

EXH-ADM,MERGED,RAMIREZ

**U.S. District Court  
Northern District of Texas (Dallas)  
CRIMINAL DOCKET FOR CASE #: 3:16-cr-00448-B-1**

Case title: USA v. Sila

Related Case: 3:22-cv-01340-B-BH

Magistrate judge case number: 3:16-mj-00720-BN

Date Filed: 10/04/2016

Date Terminated: 09/21/2018

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Assigned to: Judge Jane J Boyle

Appeals court case numbers:  
17-10957 USCA5, 17-11212,  
21-10347 USCA5

**Defendant (1)**

**Jeffrey Ndungi Sila**  
*proceeding pro se per [128]*  
*Order*  
*TERMINATED: 09/21/2018*

represented by **Jeffrey Ndungi Sila**  
7521 Anderson St  
Shawnee, KS 66227  
PRO SE

**Dimitri Dube**  
325 N St Paul Street  
Suite 2750  
Dallas, TX 75201  
469-484-5021  
Fax: 972-975-2010  
Email: [dd601@nyu.edu](mailto:dd601@nyu.edu)  
*Designation: Pro Bono*  
*Bar Status: Admitted/In Good Standing*

**Douglas C Greene, Sr**  
Greene Law Firm  
1309-B W. Abram St  
Suite 200  
Arlington, TX 76013  
817-622-8806  
Fax: 817-887-1875  
Email: [dgreene@greenelawfirm.net](mailto:dgreene@greenelawfirm.net)  
*TERMINATED: 02/22/2017*  
*Designation: Retained*  
*Bar Status: NOT ELIGIBLE*

**Ezekiel Tyson, Jr**

Tyson Law Firm PLLC  
942 W Montana Avenue  
Dallas, TX 75224  
214-942-9000  
Fax: 214-942-9001  
Email: [tyson@tysonpc.com](mailto:tyson@tysonpc.com)  
*TERMINATED: 02/13/2018*  
*Designation: CJA Appointment*  
*Bar Status: Admitted/In Good Standing*

**Katherine L Reed**  
Udashen Anton  
8150 N Central Expressway, Suite M1101  
Dallas, TX 75206  
214-468-8100  
Fax: 214-468-8104  
Email: [katherine@udashenanton.com](mailto:katherine@udashenanton.com)  
*TERMINATED: 12/28/2020*  
*Designation: Retained*  
*Bar Status: Admitted/In Good Standing*

**Kevin B Ross**  
Law Office of Kevin B Ross PC  
8150 North Central Expressway  
Suite M2070  
Dallas, TX 75206  
214-731-3151  
Fax: 214-594-8988  
Email: [kbr@rosscrimlaw.com](mailto:kbr@rosscrimlaw.com)  
*TERMINATED: 06/15/2017*  
*Designation: CJA Appointment*  
*Bar Status: Admitted/In Good Standing*

**Michael Anthony Smith**  
Law Office of Michael A Smith  
2603 Oak Lawn Ave  
Suite 200  
Dallas, TX 75219  
214-522-7405  
Fax: 214-559-0581  
Email: [maslaw@flash.net](mailto:maslaw@flash.net)  
*TERMINATED: 11/08/2016*  
*Designation: Retained*  
*Bar Status: Admitted/In Good Standing*

**Niles S Illich**  
Scott H. Palmer, P.C.  
15455 Dallas Parkway  
Suite 540  
Addison, TX 75001  
972-802-1788  
Fax: 972-236-0088

Email: [niles@appealstx.com](mailto:niles@appealstx.com)

TERMINATED: 05/07/2019

Designation: CJA Appointment

Bar Status: Admitted/In Good Standing

### **Pending Counts**

18 USC §§ 641 and 2 Theft of  
Public Funds  
(1ss)

18 USC §§ 1028A and 2  
Aggravated Identity Theft and  
Aiding and Abetting  
(2ss)

18 USC §§ 641 and 2 Theft of  
Public Funds  
(3ss)

### **Highest Offense Level (Opening)**

Felony

### **Terminated Counts**

18:641 and 2 THEFT OF  
PUBLIC FUNDS  
(1)

18:641 and 2 Theft of Public  
Funds  
(1s)

18:1028A and 2 Aggravated  
Identity Theft and Aiding and  
Abetting  
(2s)

### **Highest Offense Level (Terminated)**

Felony

### **Complaints**

### **Disposition**

BOP 73 months to run concurrently with Count 3ss;  
S/R 2 years to run concurrently with each count;  
restitution in the amount of \$9,443; \$100 MSA.  
RESENTENCING: BOP 63 months; S/R 1 years to  
run concurrently to each count; MSA \$100.

BOP 24 months, to run consecutively to Counts 1ss  
and 3ss, for a total aggregate sentence of 97 months;  
S/R 1 year to run concurrently with each count;  
restitution in the amount of \$9,443; \$100 MSA.  
RESENTENCING: BOP 24 months to run  
consecutively to Counts 1ss for a total aggregate  
sentence of 87 months; S/R 1 year to run  
concurrently to each count; MSA \$100.

BOP 73 months to run concurrently with Count 1ss;  
S/R 2 years to run concurrently with each count;  
restitution in the amount of \$9,443; \$100 MSA.  
RESENTENCING: Disposed by USCA5 on  
11/12/2020.

### **Disposition**

Dismissed on the government's motion.

Dismissed on the government's motion.

Dismissed on the government's motion.

### **Disposition**

18 USC § 641 Theft of Public  
Funds

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**Plaintiff**

**USA**

represented by **Sid P Mody-DOJ**

United States Attorney's Office  
Northern District of Texas  
1100 Commerce Street  
Suite 300

Dallas, TX 75242

214-659-8600

Email: [usatxn.ecfbounceback@usdoj.gov](mailto:usatxn.ecfbounceback@usdoj.gov)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: US Attorney's Office*

*Bar Status: Not Admitted*

**Christopher Stokes-DOJ**

US Attorney's Office

1100 Commerce St

3rd Floor

Dallas, TX 75242-1699

214-659-8676

Fax: 214-767-4104

Email: [usatxn.ecfbounceback@usdoj.gov](mailto:usatxn.ecfbounceback@usdoj.gov)

*TERMINATED: 11/16/2020*

*Designation: US Attorney's Office*

*Bar Status: Admitted/In Good Standing*

**Fabio Leonardi-DOJ**

US Attorney's Office

1100 Commerce Street

Third Floor

Dallas, TX 75242

214-659-8815

Fax: 214-659-8812

Email: [fabio.leonardi@usdoj.gov](mailto:fabio.leonardi@usdoj.gov)

*ATTORNEY TO BE NOTICED*

*Designation: US Attorney's Office*

*Bar Status: Not Admitted*

**Stephen S Gilstrap**

U.S. Attorney's Office

Northern District of Texas

1100 Commerce Street

Suite 300

Dallas, TX 75242

214-659-8644

Email: [stephen.gilstrap@usdoj.gov](mailto:stephen.gilstrap@usdoj.gov)

*ATTORNEY TO BE NOTICED*

*Designation: US Attorney's Office*  
*Bar Status: Admitted/In Good Standing*

Date Filed	#	Docket Text
09/09/2016	<u>1</u>	SEALED COMPLAINT as to Jeffrey Ndungi Sila (1). (Clerk note: This case is to remain sealed until the defendant has been arrested.) (mcrd) [3:16-mj-00720-BN] (Entered: 09/12/2016)
09/09/2016	<u>3</u>	Sealed Motion to Seal Complaint as to Jeffrey Ndungi Sila. (mcrd) [3:16-mj-00720-BN] (Entered: 09/12/2016)
09/09/2016	<u>4</u>	ORDER granting <u>3</u> Sealed Motion to Seal Indictment/Other Charging Doc/Case until further order of the court as to Jeffrey Ndungi Sila (1). (Ordered by Magistrate Judge David L Horan on 9/9/2016) (mcrd) [3:16-mj-00720-BN] (Entered: 09/12/2016)
09/12/2016	<u>5</u>	MOTION to Unseal Criminal Complaint filed by USA as to Jeffrey Ndungi Sila. (mcrd) [3:16-mj-00720-BN] (Entered: 09/12/2016)
09/12/2016		Complaint – Search Warrant Unsealed as to Jeffrey Ndungi Sila. (mcrd) [3:16-mj-00720-BN] (Entered: 09/12/2016)
09/12/2016	<u>6</u>	ORDER granting <u>5</u> Motion to Unseal Criminal Complaint as to Jeffrey Ndungi Sila (1). (Ordered by Magistrate Judge David L Horan on 9/12/2016) (mcrd) [3:16-mj-00720-BN] (Entered: 09/12/2016)
09/15/2016	<u>7</u>	Rule 5 Documents Received as to Jeffrey Ndungi Sila. Date Arrested: 9/11/2016 (mcrd) [3:16-mj-00720-BN] (Entered: 09/15/2016)
09/22/2016	<u>8</u>	NOTICE OF ATTORNEY APPEARANCE by Michael Anthony Smith (Clerk to Set Designation as: Retained) appearing for Jeffrey Ndungi Sila (Filer confirms contact info in ECF is current.) (Smith, Michael) [3:16-mj-00720-BN] (Entered: 09/22/2016)
10/04/2016	<u>9</u>	Minute Entry for proceedings held before Magistrate Judge Irma Carrillo Ramirez: Preliminary Hearing as to Jeffrey Ndungi Sila held on 10/4/2016. Court found probable cause. Order of Detention entered in arresting district. Defendant remanded to custody. Location interval set to: LC. Attorney Appearances: AUSA – Chris Stokes; Defense – Michael Smith. (Court Reporter: Digital File) (No exhibits) Time in Court – :14. (Interpreter N/A.) (mcrd) [3:16-mj-00720-BN] (Entered: 10/05/2016)
10/04/2016		CASE MERGED INTO 3:16-cr-448-B. Terminated merged defendant case, motions, and deadlines/hearings as to Jeffrey Ndungi Sila. (ykp) [3:16-mj-00720-BN] (Entered: 10/05/2016)
10/04/2016	<u>10</u>	INDICTMENT as to Jeffrey Ndungi Sila (1) count(s) 1 with Forfeiture Notice. (ykp) (Entered: 10/05/2016)
10/06/2016	<u>12</u>	ELECTRONIC NOTICE OF HEARING as to Jeffrey Ndungi Sila: Arraignment set for 10/12/2016 at 02:00 PM before Magistrate Judge David L Horan. (chmb) (Entered: 10/06/2016)
10/06/2016	<u>13</u>	MOTION to Set Bond filed by Jeffrey Ndungi Sila (Attachments: # <u>1</u> Proposed Order) (Smith, Michael) (Entered: 10/06/2016)

10/06/2016	<u>14</u>	ELECTRONIC Order Referring Motion as to Jeffrey Ndungi Sila: Defendant's <u>13</u> MOTION to Set Bond is referred to Magistrate Judge David L Horan for hearing, if necessary, and determination. (Ordered by Judge Jane J Boyle on 10/6/2016) (chmb) (Entered: 10/06/2016)
10/07/2016	<u>15</u>	Notice of Correction of Signature Omission, correcting signature omission in <u>13</u> Motion for Miscellaneous Relief as to Jeffrey Ndungi Sila. (Smith, Michael) (Entered: 10/07/2016)
10/07/2016	<u>16</u>	AMENDED DOCUMENT by Jeffrey Ndungi Sila. Amendment to <u>15</u> Notice of Correction of Signature Omission. (Smith, Michael) (Entered: 10/07/2016)
10/12/2016	<u>17</u>	Minute Entry for proceedings held before Magistrate Judge David L Horan: Bond Hearing as to Jeffrey Ndungi Sila held on 10/12/2016. Location interval set to: LC. Attorney Appearances: AUSA – Mark Penley; Defense – Michael A Smith. (Court Reporter: Digital File) (No exhibits) Time in Court – :03. (trk) (Entered: 10/13/2016)
10/12/2016		Minute Entry for proceedings held before Magistrate Judge David L Horan: Initial Appearance as to Jeffrey Ndungi Sila held on 10/12/2016. Date of Arrest: 9/11/2016. Location interval set to: LC. Attorney Appearances: AUSA – Mark Penley; Defense – Michael A Smith. (Court Reporter: Digital File) (No exhibits) Time in Court – :03. [See document <u>17</u> for image.] (trk) (Entered: 10/13/2016)
10/12/2016	<u>18</u>	Minute Entry for proceedings held before Magistrate Judge David L Horan: Arraignment as to Jeffrey Ndungi Sila (1) Count 1 held on 10/12/2016. Plea entered by Jeffrey Ndungi Sila: Not Guilty on count(s) 1. Location interval set to: LC. Attorney Appearances: AUSA – Mark Penley; Defense – Michael A Smith. (Court Reporter: Digital File) (No exhibits) Time in Court – :01. (trk) (Entered: 10/13/2016)
10/13/2016	<u>19</u>	ORDER DENYING MOTION TO SET BOND as to Jeffrey Ndungi Sila (1). (Ordered by Magistrate Judge David L Horan on 10/13/2016) (mcrd) (Entered: 10/13/2016)
10/13/2016	<u>20</u>	PRETRIAL ORDER as to Jeffrey Ndungi Sila: Trial set for 12/5/2016 09:00 AM before Judge Jane J Boyle. Motions due by 11/3/2016. Responses due by 11/17/2016. Pretrial Materials due by 11/28/2016. Pretrial Conference set for 12/2/2016 10:00 AM before Judge Jane J Boyle. (Ordered by Judge Jane J Boyle on 10/13/2016) (trk) (Entered: 10/13/2016)
10/17/2016	<u>21</u>	MOTION for Reconsideration re <u>19</u> Order on Motion for Miscellaneous Relief <i>to Set Bond</i> filed by Jeffrey Ndungi Sila (Smith, Michael) (Entered: 10/17/2016)
10/21/2016	<u>22</u>	ORDER DENYING DEFENDANT'S <u>21</u> MOTION TO RECONSIDER MAGISTRATE JUDGE'S DETENTION ORDER as to Jeffrey Ndungi Sila (1). This Court has reviewed the relevant orders in this case, the briefing and the recording of Judge Horan's detention hearing proceedings and finds no basis under the foregoing authority to revoke the Defendant's detention. The Court agrees with the reasoning by the Magistrate Judge that Defendant should be detained. (Ordered by Judge Jane J Boyle on 10/21/2016) (chmb) Modified docket text on 10/21/2016 (chmb). (Entered: 10/21/2016)
11/01/2016	<u>23</u>	SUPERSEDING INDICTMENT as to Jeffrey Ndungi Sila (1) count(s) 1s, 2s, with Forfeiture Notice. (mem) (Entered: 11/02/2016)
11/07/2016	<u>24</u>	NOTICE OF ATTORNEY APPEARANCE by Douglas C Greene, Sr (Clerk to Set Designation as: Retained) appearing for Jeffrey Ndungi Sila (Filer confirms contact

		info in ECF is current.) (Greene, Douglas) (Entered: 11/07/2016)
11/07/2016	<u>25</u>	First MOTION to Substitute Attorney, added attorney Douglas C Greene, Sr. Motion filed by Jeffrey Ndungi Sila as to Jeffrey Ndungi Sila (Greene, Douglas) (Entered: 11/07/2016)
11/08/2016	26	ELECTRONIC ORDER as to Jeffrey Ndungi Sila (1): Before the Court is Defendant Jeffrey Ndungi Sila's <u>25</u> Motion to Substitute Counsel filed 11/7/2016. The Motion is unopposed and is therefore GRANTED. Michael Anthony Smith is hereby withdrawn from this case and Douglas C Greene, Sr is substituted in as retained counsel for Defendant Sila. Michael Anthony Smith is relieved of any further duties and obligations to Defendant Sila. (Ordered by Judge Jane J Boyle on 11/8/2016) (chmb) (Entered: 11/08/2016)
11/16/2016	<u>27</u>	Unopposed MOTION to Continue <i>trial and trial deadlines</i> filed by Jeffrey Ndungi Sila (Greene, Douglas) (Entered: 11/16/2016)
11/17/2016	<u>28</u>	ORDER GRANTING DEFENDANT'S <u>27</u> MOTION TO CONTINUE as to Jeffrey Ndungi Sila: Defendant JEFFREY NDUNGI SILA, through counsel, has filed a Motion to Continue. Said motion, in accordance with the findings set forth below, on this 11/17/2016, is GRANTED. Accordingly, it is ORDERED that the captioned case is set for trial on 2/6/2017 at 09:00 AM before Judge Jane J Boyle. Motions due by 12/23/2016. Responses due by 1/9/2017. Pretrial Materials due by 1/23/2017. Pretrial Conference set for 2/3/2017 at 10:00 AM before Judge Jane J Boyle. (Ordered by Judge Jane J Boyle on 11/17/2016) (chmb) (Entered: 11/17/2016)
01/31/2017	<u>29</u>	Unopposed MOTION to Continue <i>Trial</i> filed by Jeffrey Ndungi Sila (Greene, Douglas) (Entered: 01/31/2017)
02/01/2017	<u>30</u>	RESPONSE by USA as to Jeffrey Ndungi Sila re: <u>29</u> Unopposed MOTION to Continue <i>Trial</i> (Stokes-DOJ, Christopher) (Entered: 02/01/2017)
02/01/2017	<u>31</u>	ORDER TO CONTINUE in the Interest of Justice as to Jeffrey Ndungi Sila. Jury Trial reset for 5/15/2017 at 9:00 AM before Judge Jane J. Boyle. Pretrial Motions due by 4/3/2017. Pretrial Materials due by 5/1/2017. Responses due by 4/17/2017. Pretrial Conference set for 5/12/2017 at 10:00 AM before Judge Jane J. Boyle. (Ordered by Judge Jane J. Boyle on 2/1/2017) (aaa) (Entered: 02/01/2017)
02/15/2017	<u>32</u>	MOTION to Appoint Counsel filed by Jeffrey Ndungi Sila. (epm) (Entered: 02/15/2017)
02/15/2017	33	ELECTRONIC Order Referring Motion as to Jeffrey Ndungi Sila: Defendant's <u>32</u> MOTION to Appoint Counsel is referred to Magistrate Judge David L. Horan for hearing, if necessary, and determination. (Ordered by Judge Jane J. Boyle on 2/15/2017) (chmb) (Entered: 02/15/2017)
02/16/2017	34	ELECTRONIC ORDER as to Jeffrey Ndungi Sila: The Court will hold a hearing on Defendant's <u>32</u> Motion to Appoint Counsel on February 22, 2017 at 10:00 a.m. in Courtroom 1561, 1100 Commerce Street, Dallas, Texas 75242 before Magistrate Judge David L. Horan. Defendant Jeffrey Ndungi Sila must appear with his counsel along with counsel for the government. (Ordered by Magistrate Judge David L. Horan on 2/16/2017.) (Entered: 02/16/2017)
02/22/2017	35	ELECTRONIC Minute Entry for proceedings held before Magistrate Judge David L. Horan: Motion Hearing as to Jeffrey Ndungi Sila held on 2/22/2017 re <u>32</u> MOTION to Appoint Counsel filed by Jeffrey Ndungi Sila. Defendant's Motion to Withdraw



		and Appoint counsel is granted. Defendant requested appointed counsel. Financial affidavit executed. Order to enter. Custody continued. Attorney Appearances: AUSA – Christopher Stokes; Defense – Douglas C Greene, Sr. (Court Reporter: Digital File) (No exhibits) Time in Court – :07. (Interpreter N/A.) (mcrd) (Entered: 02/22/2017)
02/22/2017	<u>36</u>	(Document Restricted) CJA 23 Financial Affidavit by Jeffrey Ndungi Sila. (mcrd) (Entered: 02/22/2017)
02/22/2017	<u>37</u>	ORDER GRANTING <u>32</u> WITHDRAWAL AND APPOINTING COUNSEL as to Jeffrey Ndungi Sila (1). The Court ORDERS that Douglas C. Greene is granted leave to withdraw as counsel for Defendant Jeffrey Ndungi Sila and is discharged from any further responsibilities in this case. The Court finds that Mr. Sila is entitled to appointed counsel to represent him in this case. The Court appoints Kevin B. Ross to represent Defendant Jeffrey Ndungi Sila going forward. (Ordered by Magistrate Judge David L. Horan on 2/22/2017) (mcrd) (Entered: 02/22/2017)
02/22/2017	<u>38</u>	CJA 20 Order appointing attorney. This appointment continues through any appeal unless counsel is relieved by court order for good cause shown – See Miscellaneous Order 3 Criminal Justice Act Plan. Within one week, the court will contact you via email and provide a link to the eVoucher System. Any work done on an appeal must be billed per circuit instructions. For questions, consult the <u>CJA Attorney Information</u> page or use the <u>directory</u> to contact the appointing judges courtroom deputy. Copies of public documents filed prior to this appointment may be obtained via PACER. (Ordered by Magistrate Judge David L. Horan on 2/22/2017) (mcrd) (Entered: 02/22/2017)
04/04/2017	<u>39</u>	SECOND SUPERSEDING INDICTMENT with Forfeiture Notice as to Jeffrey Ndungi Sila (1) count(s) 1ss, 2ss, 3ss. (sss) (Entered: 04/05/2017)
04/05/2017	40	ELECTRONIC NOTICE OF HEARING as to Jeffrey Ndungi Sila: Arraignment on <u>39</u> SECOND SUPERSEDING INDICTMENT set for 4/13/2017 at 01:30 PM before Judge Jane J. Boyle. (chmb) (Entered: 04/05/2017)
04/11/2017	<u>41</u>	WAIVER by Jeffrey Ndungi Sila (Ross, Kevin) (Entered: 04/11/2017)
04/11/2017	<u>42</u>	Unopposed MOTION to Continue <i>Trial and Pretrial Deadlines</i> filed by Jeffrey Ndungi Sila (Ross, Kevin) (Entered: 04/11/2017)
04/11/2017	<u>43</u>	ORDER accepting <u>41</u> Waiver as to Jeffrey Ndungi Sila. The arraignment currently set for Thursday, 4/13/2017 at 01:30 PM is hereby canceled. (Ordered by Judge Jane J. Boyle on 4/11/2017) (chmb) (Entered: 04/11/2017)
04/11/2017	<u>44</u>	ORDER GRANTING DEFENDANT'S <u>42</u> MOTION TO CONTINUE as to Jeffrey Ndungi Sila: Defendant JEFFREY NDUNGI SILA, through counsel, has filed an Unopposed Motion to Continue Trial and Motion Deadlines. Said motion, in accordance with the findings set forth below, on this 4/11/2017, is GRANTED. Accordingly, it is ORDERED that the captioned case is set for trial on 7/24/2017 at 09:00 AM before Judge Jane J. Boyle. Motions due by 6/12/2017. Responses due by 6/26/2017. Pretrial Materials due by 7/10/2017. Pretrial Conference set for 7/21/2017 at 10:00 AM before Judge Jane J. Boyle. (Ordered by Judge Jane J. Boyle on 4/11/2017) (chmb) (Entered: 04/11/2017)
05/08/2017	<u>45</u>	***STRICKEN per <u>46</u> Order*** MOTION for Reconsideration of Revocation of Detention filed by Jeffrey Ndungi Sila. (ndt) Modified on 5/12/2017 (twd). (Entered: 05/08/2017)



		05/09/2017)
05/12/2017	<u>46</u>	ORDER re Defendant Jeffrey Ndungi Sila's ("Sila") pro se <u>45</u> Motion for Reconsideration of Revocation of Detention: The Court STRIKES this document from the record in this case. Sila is not entitled to hybrid representation. See 28 U.S.C. § 1654; United States v. Daniels, 572 F.2d 535, 540 (5th Cir. 1978) (Holding that "the criminal defendant does not have the right, however, to a "hybrid representation," partly by counsel and partly by himself"). Sila is DIRECTED to convey any and all concerns in his case to his court appointed attorney. (Ordered by Judge Jane J. Boyle on 5/12/2017) (twd) (Entered: 05/12/2017)
05/25/2017	<u>47</u>	RESPONSE by Jeffrey Ndungi Sila re: <u>46</u> Order Unfiling Pleading. (rekc) (Entered: 05/25/2017)
06/12/2017	<u>48</u>	Request for Substitution of Counsel filed by Jeffrey Ndungi Sila. (epm) (Entered: 06/12/2017)
06/12/2017	49	ELECTRONIC Order Referring Motion as to Jeffrey Ndungi Sila: Defendant's <u>48</u> MOTION to Substitute Attorney is referred to Magistrate Judge David L. Horan for hearing, if necessary, and determination. (Ordered by Judge Jane J. Boyle on 6/12/2017) (chmb) (Entered: 06/12/2017)
06/14/2017	50	ELECTRONIC NOTICE OF HEARING as to Jeffrey Ndungi Sila: Motion Hearing re: <u>48</u> Motion to Substitute Counsel, set for 6/15/2017 02:30 PM before Magistrate Judge David L. Horan. Counsel for the government and defendant are required to appear. (mcrd) (Entered: 06/14/2017)
06/15/2017	51	ELECTRONIC Minute Entry for proceedings held before Magistrate Judge David L. Horan: Motion Hearing as to Jeffrey Ndungi Sila held on 6/15/2017 re <u>48</u> MOTION to Substitute Attorney filed by Jeffrey Ndungi Sila. Motion granted. Written order to follow. Attorney Appearances: AUSA – Chris Stokes; Defense – Kevin Ross. (Court Reporter: Digital File) (Sealed exhibits admitted) Time in Court – :41. (Interpreter N/A.) (mcrd) (Entered: 06/15/2017)
06/15/2017	<u>53</u>	ORDER granting <u>48</u> Motion to Substitute Attorney as to Jeffrey Ndungi Sila (1). Ezekiel Tyson substituted in as counsel of record for Defendant in place of Kevin Ross. (Ordered by Magistrate Judge David L. Horan on 6/15/2017) (mcrd) (Entered: 06/15/2017)
06/15/2017	<u>54</u>	CJA 20 Order appointing attorney. Attorney Ezekiel Tyson, Jr for Jeffrey Ndungi Sila appointed. This appointment continues through any appeal unless counsel is relieved by court order for good cause shown – See Miscellaneous Order 3 Criminal Justice Act Plan. Within one week, the court will contact you via email and provide a link to the eVoucher System. Any work done on an appeal must be billed per circuit instructions. For questions, consult the <u>CJA Attorney Information</u> page or use the <u>directory</u> to contact the appointing judges courtroom deputy. Copies of public documents filed prior to this appointment may be obtained via PACER. (Ordered by Magistrate Judge David L. Horan on 6/15/2017) (mcrd) (Entered: 06/15/2017)
07/06/2017	<u>55</u>	MOTION to Continue filed by Jeffrey Ndungi Sila (Tyson, Ezekiel) (Entered: 07/06/2017)
07/07/2017	<u>56</u>	ORDER GRANTING DEFENDANT'S <u>55</u> MOTION FOR CONTINUANCE as to Jeffrey Ndungi Sila: Defendant JEFFREY NDUNGI SILA, through counsel, has filed an Unopposed Motion for Continuance. Said motion, in accordance with the findings

		set forth below, on this 7/7/2017 is GRANTED. Accordingly, it is ORDERED that the captioned case is set for trial on 10/2/2017 at 09:00 AM before Judge Jane J. Boyle. Motions due by 8/28/2017. Responses due by 9/11/2017. Pretrial Materials due by 9/18/2017. Pretrial Conference set for 9/29/2017 at 10:00 AM before Judge Jane J. Boyle. (Ordered by Judge Jane J. Boyle on 7/7/2017) (chmb) (Entered: 07/07/2017)
07/13/2017	<u>57</u>	MOTION to Set Bond filed by Jeffrey Ndungi Sila (Attachments: # <u>1</u> Exhibit(s)) (Tyson, Ezekiel) Docket text modified on 7/13/2017 (twd). (Entered: 07/13/2017)
07/13/2017	58	ELECTRONIC Order Referring Motion as to Jeffrey Ndungi Sila: Defendant's <u>57</u> MOTION to Set Bond is referred to Magistrate Judge David L. Horan for hearing, and necessary, and determination. (Ordered by Judge Jane J. Boyle on 7/13/2017) (chmb) (Entered: 07/13/2017)
08/01/2017	<u>59</u>	ORDER DENYING SECOND MOTION TO SET BOND: The motion <u>57</u> is denied. (Ordered by Magistrate Judge David L. Horan on 8/1/2017) (ash) (Entered: 08/01/2017)
08/07/2017	<u>60</u>	MOTION for Reconsideration filed by Jeffrey Ndungi Sila (Tyson, Ezekiel) (Entered: 08/07/2017)
08/07/2017	61	ELECTRONIC NOTICE OF HEARING as to Jeffrey Ndungi Sila: Motion Hearing set for 8/10/2017 at 01:30 PM before Judge Jane J. Boyle. (chmb) (Entered: 08/07/2017)
08/10/2017	62	ELECTRONIC Minute Entry for proceedings held before Judge Jane J. Boyle: Motion Hearing as to Jeffrey Ndungi Sila held on 8/10/2017 re: <u>60</u> MOTION for Reconsideration. Motion denied for the reasons stated on the record. Deft custody continued. Attorney Appearances: AUSA – Christopher Stokes; Defense – Ezekiel Tyson, Jr. (Court Reporter: Shawnie Archuleta) (No exhibits) Time in Court – 0:14. (chmb) (Entered: 08/10/2017)
08/15/2017	63	ELECTRONIC ORDER as to Jeffrey Ndungi Sila: With the agreement of the parties, the Jury Trial in this case is advanced one week to 9/25/2017 at 09:00 AM before Judge Jane J. Boyle. The Pretrial Conference is also advanced to 9/22/2017 at 10:00 AM before Judge Jane J. Boyle. The pretrial motions, responses, and pretrial materials deadlines set by this Court's order of 7/7/2017 remain in effect. (Ordered by Judge Jane J. Boyle on 8/15/2017) (chmb) (Entered: 08/15/2017)
08/23/2017	<u>64</u>	NOTICE OF APPEAL to the Fifth Circuit by Jeffrey Ndungi Sila. T.O. form to appellant electronically at <a href="#">Transcript Order Form</a> or US Mail as appropriate. Copy of NOA to be sent US Mail to parties not electronically noticed. IMPORTANT ACTION REQUIRED: Provide an electronic copy of any exhibit you offered during a hearing or trial that was admitted into evidence to the clerk of the district court within 14 days of the date of this notice. Copies must be transmitted as PDF attachments through ECF by all ECF Users or delivered to the clerk on a CD by all non-ECF Users. See detailed instructions <a href="#">here</a> . (Exception: This requirement does not apply to a Defendant proceeding pro se.) Please note that if original exhibits are in your possession, you must maintain them through final disposition of the case. (Tyson, Ezekiel) (Entered: 08/23/2017)
08/25/2017	<u>65</u>	**Document to be resubmitted by attorney.** MOTION to Suppress filed by Jeffrey Ndungi Sila with Brief/Memorandum in Support. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Exhibit(s)) (Tyson, Ezekiel) Email sent to attorney and text modified on 8/25/2017

		(dsr). (Entered: 08/25/2017)
08/29/2017		USCA Case Number as to Jeffrey Ndungi Sila 17–10957 for <u>64</u> Notice of Appeal filed by Jeffrey Ndungi Sila. (svc) (Entered: 08/29/2017)
08/31/2017	<u>66</u>	ORDER DENYING DEFENDANT'S <u>60</u> MOTION TO RECONSIDER MAGISTRATE'S ORDER DENYING SECOND MOTION TO SET BOND as to Jeffrey Ndungi Sila (1). (Ordered by Judge Jane J. Boyle on 8/31/2017) (ykp) (Entered: 08/31/2017)
09/05/2017	<u>67</u>	MOTION to Suppress filed by Jeffrey Ndungi Sila (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Exhibit(s)) (Tyson, Ezekiel) (Entered: 09/05/2017)
09/05/2017	<u>68</u>	NOTICE OF APPEAL to the Fifth Circuit by Jeffrey Ndungi Sila. T.O. form to appellant electronically at <u>Transcript Order Form</u> or US Mail as appropriate. Copy of NOA to be sent US Mail to parties not electronically noticed. IMPORTANT ACTION REQUIRED: Provide an electronic copy of any exhibit you offered during a hearing or trial that was admitted into evidence to the clerk of the district court within 14 days of the date of this notice. Copies must be transmitted as PDF attachments through ECF by all ECF Users or delivered to the clerk on a CD by all non–ECF Users. See detailed instructions <u>here</u> . (Exception: This requirement does not apply to a Defendant proceeding pro se.) Please note that if original exhibits are in your possession, you must maintain them through final disposition of the case. (Tyson, Ezekiel) (Entered: 09/05/2017)
09/08/2017	<u>69</u>	RESPONSE by USA as to Jeffrey Ndungi Sila re: <u>67</u> MOTION to Suppress (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Exhibit(s), # <u>3</u> Exhibit(s)) (Stokes–DOJ, Christopher) (Entered: 09/08/2017)
09/08/2017	<u>70</u>	NOTICE of Intent to Introduce Records of a Regularly Conducted Activity Under FRE 902(11) filed by USA as to Jeffrey Ndungi Sila (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Exhibit(s)) (Stokes–DOJ, Christopher) (Entered: 09/08/2017)
09/11/2017	<u>71</u>	Transcript Order Form: transcript requested for Bond Hearing 8/10/2017 (Court Reporter: Shawnie Archuleta.) Payment method: CJA Funds (Note to the CJA Attorney: The CJA 24 form must be completed through <u>eVoucher</u> . If you are not registered, have questions, or need assistance, email the eVoucher help desk at eVoucher@txnd.uscourts.gov.) (Tyson, Ezekiel) (Entered: 09/11/2017)
09/12/2017	<u>72</u>	Notice of Filing of Official Electronic Transcript of Bond Hearing, Proceedings as to Jeffrey Ndungi Sila held on August 10, 2017 before Judge Jane J. Boyle. Court Reporter/Transcriber Shawnie Archuleta, Telephone number 214/753–2747. Parties are notified of their duty to review the transcript. See <u>Misc Order 61</u> and <u>Second Amended Special Order 19–1</u> . A copy may be purchased from the court reporter or viewed at the clerk's office. If redaction is necessary, a <u>Redaction Request – Transcript</u> must be filed within 21 days. If no such Request is filed, the transcript will be made available via PACER without redaction after 90 calendar days. If redaction request filed, this transcript will not be accessible via PACER; see redacted transcript. The clerk will mail a copy of this notice to parties not electronically noticed. (12 pages) Redaction Request due 10/3/2017. Redacted Transcript Deadline set for 10/13/2017. Release of Transcript Restriction set for 12/11/2017. (spa) (Entered: 09/12/2017)
09/13/2017	<u>73</u>	Sealed Electronic Copy of Admitted Hearing or Trial Exhibit(s) as to Jeffrey Ndungi Sila re: <u>68</u> Notice of Appeal and <u>64</u> Notice of Appeal filed by Defendant. Sealed

		exhibits are available for access only through the Electronic Record on Appeal. (svc) (Entered: 09/13/2017)
09/13/2017		Record on Appeal for USCA5 17–10957 (related to <u>68</u> , <u>64</u> appeal) as to Jeffrey Ndungi Sila: Record consisting of: 1 ECF electronic record on appeal (eROA) is certified, 1 Volume(s) electronic transcript, Sealed or ex parte electronic document number(s): 36,52 (circuit approval is required for access), 1 Electronic Presentence Report/SOR certified to USCA. <b>PLEASE NOTE THE FOLLOWING:</b> Licensed attorneys must have filed an appearance in the USCA5 case and be registered for electronic filing in the USCA5 to access the paginated eROA in the USCA5 ECF system. (Take these steps immediately if you have not already done so. Once you have filed the notice of appearance and/or USCA5 ECF registration, it may take up to 3 business days for the circuit to notify the district clerk that we may grant you access to the eROA in the USCA5 ECF system.) To access the paginated record, log in to the USCA5 ECF system, and under the Utilities menu, select Electronic Record on Appeal. Pro se litigants may request a copy of the record by <u>contacting the appeals deputy</u> in advance to arrange delivery. (svc) (Entered: 09/13/2017)
09/13/2017		Sealed Supplemental Record on Appeal for USCA5 17–10957 (related to <u>68</u> , <u>64</u> appeal) as to Jeffrey Ndungi Sila: Record consisting of: Electronic hearing exhibits. <b>PLEASE NOTE THE FOLLOWING:</b> Licensed attorneys must have filed an appearance in the USCA5 case and be registered for electronic filing in the USCA5 to access the paginated eROA in the USCA5 ECF system. (Take these steps immediately if you have not already done so. Once you have filed the notice of appearance and/or USCA5 ECF registration, it may take up to 3 business days for the circuit to notify the district clerk that we may grant you access to the eROA in the USCA5 ECF system.) To access the paginated record, log in to the USCA5 ECF system, and under the Utilities menu, select Electronic Record on Appeal. Pro se litigants may request a copy of the record by <u>contacting the appeals deputy</u> in advance to arrange delivery. (svc) (Entered: 09/13/2017)
09/14/2017		USCA Case Number as to Jeffrey Ndungi Sila 17–10957 for <u>68</u> Notice of Appeal filed by Jeffrey Ndungi Sila. (svc) (Entered: 09/14/2017)
09/15/2017	<u>74</u>	NOTICE of Designation of Expert Witness filed by USA as to Jeffrey Ndungi Sila (Stokes–DOJ, Christopher) (Entered: 09/15/2017)
09/18/2017	<u>75</u>	EXHIBIT LIST by USA as to Jeffrey Ndungi Sila (Stokes–DOJ, Christopher) (Entered: 09/18/2017)
09/18/2017	<u>76</u>	Proposed Jury Instructions filed by USA as to Jeffrey Ndungi Sila (Stokes–DOJ, Christopher) (Entered: 09/18/2017)
09/18/2017	<u>77</u>	Proposed Voir Dire by USA as to Jeffrey Ndungi Sila (Stokes–DOJ, Christopher) (Entered: 09/18/2017)
09/18/2017	<u>78</u>	WITNESS LIST by USA as to Jeffrey Ndungi Sila (Stokes–DOJ, Christopher) (Entered: 09/18/2017)
09/18/2017	<u>79</u>	STATUS REPORT filed by USA as to Jeffrey Ndungi Sila (Stokes–DOJ, Christopher) (Entered: 09/18/2017)
09/18/2017	<u>80</u>	TRIAL BRIEF by USA as to Jeffrey Ndungi Sila (Stokes–DOJ, Christopher) (Entered: 09/18/2017)

09/18/2017	<u>81</u>	EXHIBIT LIST by Jeffrey Ndungi Sila (Tyson, Ezekiel) (Entered: 09/18/2017)
09/18/2017	<u>82</u>	Proposed Jury Charge filed by Jeffrey Ndungi Sila (Tyson, Ezekiel) (Entered: 09/18/2017)
09/18/2017	<u>83</u>	Proposed Voir Dire by Jeffrey Ndungi Sila (Tyson, Ezekiel) (Entered: 09/18/2017)
09/18/2017	<u>84</u>	WITNESS LIST by Jeffrey Ndungi Sila (Tyson, Ezekiel) (Entered: 09/18/2017)
09/18/2017	<u>85</u>	STATUS REPORT filed by Jeffrey Ndungi Sila (Tyson, Ezekiel) (Entered: 09/18/2017)
09/18/2017	<u>86</u>	Opinion of USCA in accordance with USCA judgment re <u>64</u> <u>68</u> Notice of Appeals filed by Jeffrey Ndungi Sila. (svc) (Entered: 09/19/2017)
09/18/2017	<u>87</u>	JUDGMENT/MANDATE of USCA as to <u>64</u> <u>68</u> Notice of Appeal filed by Jeffrey Ndungi Sila. It is ordered that appellant's motion for bail pending trial is DENIED. (svc) Modified on 9/19/2017 (svc). (Entered: 09/19/2017)
09/21/2017	<u>88</u>	RESPONSE by Jeffrey Ndungi Sila re: <u>80</u> Trial Brief (Tyson, Ezekiel) (Entered: 09/21/2017)
09/22/2017	89	ELECTRONIC ORDER denying as moot <u>67</u> Defendant's Motion to Suppress. (Ordered by Judge Jane J. Boyle on 9/22/2017) (chmb) (Entered: 09/22/2017)
09/22/2017	90	ELECTRONIC Minute Entry for proceedings held before Judge Jane J. Boyle: Pretrial Conference as to Jeffrey Ndungi Sila held on 9/22/2017. The Court ruled on Defendant's <u>67</u> Motion to Suppress and discussed other pretrial matters with the parties. Jury trial to begin Monday, 9/25/2017 at 09:00 AM. Deft custody continued. Attorney Appearances: AUSA – Christopher Stokes and Sid P Mody; Defense – Ezekiel Tyson, Jr and Dimitri Dube. (Court Reporter: Shawnie Archuleta) (No exhibits) Time in Court – 0:39. (chmb) (Entered: 09/22/2017)
09/22/2017	<u>91</u>	EXHIBIT LIST by Jeffrey Ndungi Sila (Tyson, Ezekiel) (Entered: 09/22/2017)
09/24/2017	<u>92</u>	NOTICE OF ATTORNEY APPEARANCE by Dimitri Dube (Clerk to Set Designation as: Pro Bono) appearing for Jeffrey Ndungi Sila (Filer confirms contact info in ECF is current.) (Dube, Dimitri) (Entered: 09/24/2017)
09/24/2017	<u>93</u>	MOTION in Limine to <i>Exclude Gov Exhibit 51 &amp; 52</i> filed by Jeffrey Ndungi Sila with Brief/Memorandum in Support. (Dube, Dimitri) (Entered: 09/24/2017)
09/25/2017	<u>94</u>	(Document Restricted) Jury Roll as to Jeffrey Ndungi Sila (This document is for district court access only and will not be included in any ROA that may later be prepared.) (chmb) (Entered: 09/25/2017)
09/25/2017	95	ELECTRONIC Minute Entry for proceedings held before Judge Jane J. Boyle: 1st day of Jury Trial as to Jeffrey Ndungi Sila held on 9/25/2017. Voir dire held; 12 jurors selected, seated, and sworn. Opening statements held and witness testimony begun. Jury trial to continue on Tuesday, 9/26/2017, at 09:00 AM. Deft custody continued. Attorney Appearances: AUSA – Christopher Stokes and Sid P Mody; Defense – Ezekiel Tyson, Jr and Dimitri Dube. (Court Reporter: Shawnie Archuleta) (Exhibits admitted) Time in Court – 4:47. (chmb) Modified docket text on 9/27/2017 (chmb). (Entered: 09/26/2017)
09/26/2017	96	ELECTRONIC Minute Entry for proceedings held before Judge Jane J. Boyle: 2nd day of Jury Trial as to Jeffrey Ndungi Sila held on 9/26/2017. Government rested.



		Deft's Rule 29 motion denied. Deft presented case-in-chief. Both sides closed. Charging conference held. Closing statements to begin Wednesday, 9/27/2017 at 10:00 AM. Deft custody continued. Attorney Appearances: AUSA – Christopher Stokes and Sid P Mody; Defense – Ezekiel Tyson, Jr and Dimitri Dube. (Court Reporter: Shawnie Archuleta) (Exhibits admitted) Time in Court – 5:14. (chmb) Modified docket text on 9/27/2017 (chmb). (Entered: 09/26/2017)
09/27/2017	<u>97</u>	ELECTRONIC Minute Entry for proceedings held before Judge Jane J. Boyle: 3rd day of Jury Trial as to Jeffrey Ndungi Sila held on 9/27/2017. Closing statements held. Jury charged. Jury deliberations begun. Jury returned verdict of guilty on each of Counts 1ss to 3ss. Jury trial concluded. Deft custody continued. Attorney Appearances: AUSA – Christopher Stokes and Sid P Mody; Defense – Ezekiel Tyson, Jr and Dimitri Dube. (Court Reporter: Shawnie Archuleta) (No exhibits) Time in Court – 2:09. (chmb) Modified docket text on 9/27/2017 (chmb). (Entered: 09/27/2017)
09/27/2017	<u>98</u>	Jury Charge as to Jeffrey Ndungi Sila. Signed by Judge Jane J. Boyle on 9/27/2017. (chmb) (Entered: 09/27/2017)
09/27/2017	<u>99</u>	Jury Notes as to Jeffrey Ndungi Sila. (chmb) (Entered: 09/27/2017)
09/27/2017	<u>100</u>	JURY VERDICT as to Jeffrey Ndungi Sila (1) Guilty on Count 1ss, 2ss, and 3ss. (chmb) (Entered: 09/27/2017)
09/27/2017	<u>101</u>	SCHEDULING ORDER FOR SENTENCING as to Jeffrey Ndungi Sila: Sentencing set for 1/11/2018 at 01:30 PM before Judge Jane J. Boyle. Presentence Investigation Report due by 12/7/2017. (Ordered by Judge Jane J. Boyle on 9/27/2017) (chmb) (Entered: 09/27/2017)
10/03/2017	<u>102</u>	Court's Exhibit List from Jury trial held 9/25/2017 – 9/27/2017 as to Jeffrey Ndungi Sila. (chmb) (Entered: 10/03/2017)
10/10/2017	<u>103</u>	NOTICE OF INTERLOCATORY APPEAL to the Fifth Circuit filed by Jeffrey Ndungi Sila. T.O. form to appellant electronically at <a href="#">Transcript Order Form</a> or US Mail as appropriate. Copy of NOA to be sent US Mail to parties not electronically noticed. IMPORTANT ACTION REQUIRED: Provide an electronic copy of any exhibit you offered during a hearing or trial that was admitted into evidence to the clerk of the district court within 14 days of the date of this notice. Copies must be transmitted as PDF attachments through ECF by all ECF Users or delivered to the clerk on a CD by all non-ECF Users. See detailed instructions <a href="#">here</a> . (Exception: This requirement does not apply to a Defendant proceeding pro se.) Please note that if original exhibits are in your possession, you must maintain them through final disposition of the case. (ran) (Entered: 10/10/2017)
10/10/2017	104	Request for Appellate Counsel, filed by Jeffrey Ndungi Sila. (Please see Docket Entry <u>103</u> for image.) (ran) (Entered: 10/10/2017)
10/10/2017	<u>105</u>	Unopposed MOTION to Continue <i>Deadline to File Motion for New Trial</i> filed by Jeffrey Ndungi Sila with Brief/Memorandum in Support. (Dube, Dimitri) (Entered: 10/10/2017)
10/12/2017	106	ELECTRONIC ORDER granting <u>105</u> Motion to Extend Deadline to File Motion for New Trial as to Jeffrey Ndungi Sila (1). Defendant's motion for a new trial is due on or before 10/25/2017. (Ordered by Judge Jane J. Boyle on 10/12/2017) (chmb) (Entered: 10/12/2017)

10/18/2017		USCA Case Number as to Jeffrey Ndungi Sila 17-11212 for <u>103</u> Notice of Appeal filed by Jeffrey Ndungi Sila. (svc) (Entered: 10/18/2017)
10/20/2017	<u>107</u>	ELECTRONIC ORDER as to Jeffrey Ndungi Sila (1): Before the Court is Defendant Jeffrey Sila's <i>pro se</i> Request for Appellate Counsel (doc. 104). The sentencing for Defendant's recent jury trial conviction has not yet taken place, and Defendant currently has appointed trial counsel. Accordingly, Defendant's request for appellate counsel is premature and is hereby DENIED. (Ordered by Judge Jane J. Boyle on 10/20/2017) (chmb) (Entered: 10/20/2017)
10/25/2017	<u>108</u>	MOTION for New Trial filed by Jeffrey Ndungi Sila. (Attachments: # <u>1</u> Exhibit(s) Sila passport, # <u>2</u> Exhibit(s) Gouverne 31) (Dube, Dimitri) Modified text and linkage on 10/26/2017 (axm). (Entered: 10/25/2017)
10/26/2017	<u>109</u>	Corrected MOTION for New Trial filed by Jeffrey Ndungi Sila. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Exhibit(s)) (Dube, Dimitri) Modified text and linkage on 10/26/2017 (axm). (Entered: 10/26/2017)
11/06/2017	<u>110</u>	Unopposed MOTION for Extension of Time <i>to Respond to Motion for New Trial</i> filed by USA as to Jeffrey Ndungi Sila (Stokes-DOJ, Christopher) (Entered: 11/06/2017)
11/06/2017	<u>111</u>	ELECTRONIC ORDER granting <u>110</u> Government's Unopposed Motion for Extension of Time to Respond to the Defendant's Motion for New Trial as to Jeffrey Ndungi Sila (1). Response due by 11/27/2017. (Ordered by Judge Jane J. Boyle on 11/6/2017) (chmb) (Entered: 11/06/2017)
11/22/2017	<u>112</u>	RESPONSE by USA as to Jeffrey Ndungi Sila re: <u>109</u> Corrected MOTION for New Trial (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Exhibit(s), # <u>3</u> Exhibit(s), # <u>4</u> Exhibit(s)) (Stokes-DOJ, Christopher) (Entered: 11/22/2017)
12/05/2017	<u>113</u>	REPLY filed by Jeffrey Ndungi Sila re: <u>108</u> MOTION New Trial re <u>100</u> Jury Verdict (Dube, Dimitri) (Entered: 12/05/2017)
12/07/2017	<u>114</u>	MOTION to Proceed Pro Se and Appoint Standby Counsel filed by Jeffrey Ndungi Sila. (axm) (Entered: 12/07/2017)
12/21/2017	<u>117</u>	Unopposed MOTION to Continue filed by Jeffrey Ndungi Sila (Tyson, Ezekiel) (Entered: 12/21/2017)
12/24/2017	<u>118</u>	Advisory Regarding Motion for New Trial by Jeffrey Ndungi Sila re: <u>113</u> Reply, <u>109</u> Corrected MOTION for New Trial. (Attachments: # <u>1</u> Exhibit(s)) (Dube, Dimitri) Modified text on 12/26/2017 (axm). (Entered: 12/24/2017)
12/29/2017	<u>119</u>	ELECTRONIC ORDER granting <u>117</u> Unopposed Motion for Continuance as to Jeffrey Ndungi Sila (1). Objections to Presentence Investigation Report due by 1/25/2018. Sentencing set for 2/22/2018 at 01:30 PM before Judge Jane J. Boyle. (Ordered by Judge Jane J. Boyle on 12/29/2017) (chmb) (Entered: 12/29/2017)
02/06/2018	<u>121</u>	ELECTRONIC NOTICE OF HEARING as to Jeffrey Ndungi Sila: Motion Hearing on <u>114</u> MOTION to Proceed Pro Se and Appoint Standby Counsel set for 2/8/2018 at 01:30 PM before Judge Jane J. Boyle. (chmb) (Entered: 02/06/2018)
02/08/2018	<u>123</u>	ELECTRONIC Minute Entry for proceedings held before Judge Jane J. Boyle: Motion Hearing as to Jeffrey Ndungi Sila held on 2/8/2018 re <u>114</u> MOTION to Proceed Pro Se and Appoint Standby Counsel. After a colloquy with Defendant, the



		Court found that Defendant knowingly and voluntarily waived his right to counsel and will be allowed to proceed pro se. Ezekiel Tyson, Jr and Dimitri Dube are relieved of further duties and obligations to the Defendant. The Court will continue the sentencing in this case by two weeks. Orders to follow. Attorney Appearances: AUSA – Christopher Stokes; Defense – Ezekiel Tyson, Jr and Dimitri Dube. (Court Reporter: Shawnie Archuleta) (No exhibits) Time in Court – 0:25. (chmb) (Entered: 02/08/2018)
02/09/2018	<u>126</u>	MOTION for a New Trial filed by Jeffrey Ndungi Sila. (epm) (Entered: 02/09/2018)
02/09/2018	<u>127</u>	MOTION for Acquittal filed by Jeffrey Ndungi Sila. (epm) (Entered: 02/09/2018)
02/13/2018	<u>128</u>	ORDER as to Jeffrey Ndungi Sila: Before the Court is Defendant Jeffrey Ndungi Sila's ("Sila") <u>114</u> Request to Proceed Pro Se. The Court held a hearing on 2/8/2018 to address the Defendant's request and orally granted Defendant's motion to proceed on a <i>pro se</i> basis. Sila's current counsel Ezekiel Tyson and Dimitri Dube are relieved of any further duties and obligations to Sila and are withdrawn from this case. As the Court informed Sila at the hearing, it will not consider the motion for a new trial filed by his former attorneys (doc. <u>109</u> ). Accordingly, the motion is hereby DENIED. Sentencing reset for 3/8/2018 at 01:30 PM before Judge Jane J. Boyle. (Ordered by Judge Jane J. Boyle on 2/13/2018) (chmb) (Entered: 02/13/2018)
02/15/2018	<u>129</u>	MOTION to Continue <i>Sentencing</i> filed by USA as to Jeffrey Ndungi Sila (Stokes–DOJ, Christopher) (Entered: 02/15/2018)
02/16/2018	<u>130</u>	MOTION for Transcripts at No Cost as to Jeffrey Ndungi Sila. (ykp) Modified event type per DJ chambers on 2/20/2018 (axm). (Entered: 02/16/2018)
02/22/2018	131	ELECTRONIC Order Referring Motion as to Jeffrey Ndungi Sila: Defendant's <u>130</u> MOTION for Transcripts at No Cost is referred to Magistrate Judge David L. Horan for hearing, if necessary, and determination. (Ordered by Judge Jane J. Boyle on 2/22/2018) (chmb) (Entered: 02/22/2018)
02/22/2018	<u>132</u>	ORDER denying <u>130</u> Motion for Transcripts at No Cost as to Jeffrey Ndungi Sila (1). (Ordered by Magistrate Judge David L. Horan on 2/22/2018) (epm) (Entered: 02/22/2018)
02/26/2018	<u>133</u>	RESPONSE by USA as to Jeffrey Ndungi Sila re: <u>126</u> MOTION for a New Trial (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Exhibit(s)) (Stokes–DOJ, Christopher) (Entered: 02/26/2018)
02/26/2018	<u>134</u>	RESPONSE by USA as to Jeffrey Ndungi Sila re: <u>127</u> MOTION for Acquittal (Stokes–DOJ, Christopher) (Entered: 02/26/2018)
02/28/2018	136	ELECTRONIC ORDER granting <u>129</u> Motion to Continue as to Jeffrey Ndungi Sila (1). Sentencing set for 4/12/2018 at 01:30 PM before Judge Jane J. Boyle. (Ordered by Judge Jane J. Boyle on 2/28/2018) (chmb) (Entered: 02/28/2018)
03/02/2018	<u>137</u>	MOTION to Supplement <u>126</u> MOTION for a New Trial filed by Jeffrey Ndungi Sila. (zkc) (Entered: 03/02/2018)
03/02/2018	<u>138</u>	MOTION to Supplement <u>130</u> MOTION for Transcripts at No Cost filed by Jeffrey Ndungi Sila. (zkc) (Entered: 03/02/2018)
03/05/2018	139	ELECTRONIC Order Referring Motion as to Jeffrey Ndungi Sila: Defendant's <u>138</u> MOTION to Amend/Correct <u>130</u> MOTION for Transcripts at No Cost is referred to

		Magistrate Judge David L. Horan. for hearing, if necessary, and determination. (Ordered by Judge Jane J. Boyle on 3/5/2018) (chmb) (Entered: 03/05/2018)
03/06/2018	<u>140</u>	ORDER granting <u>138</u> Renewed Motion for Transcripts at No Cost as to Jeffrey Ndungi Sila (1). (Ordered by Magistrate Judge David L. Horan on 3/6/2018) (zkc) (Entered: 03/06/2018)
03/16/2018	<u>141</u>	RESPONSE by USA as to Jeffrey Ndungi Sila re: <u>137</u> MOTION to Amend/Correct <u>126</u> MOTION for a New Trial filed by Jeffrey Ndungi Sila (Stokes-DOJ, Christopher) (Entered: 03/16/2018)
04/10/2018	144	ELECTRONIC ORDER as to Jeffrey Ndungi Sila: On the Court's own motion, Sentencing reset for 5/24/2018 at 01:30 PM before Judge Jane J. Boyle. (Ordered by Judge Jane J. Boyle on 4/10/2018) (chmb) (Entered: 04/10/2018)
05/23/2018	145	ELECTRONIC ORDER as to Jeffrey Ndungi Sila: Sentencing reset for 7/26/2018 at 01:30 PM before Judge Jane J. Boyle. (Ordered by Judge Jane J. Boyle on 5/23/2018) (chmb) (Entered: 05/23/2018)
06/26/2018	<u>146</u>	MOTION to Intervene filed by Jeffrey Ndungi Sila. (sss) (Entered: 06/26/2018)
06/29/2018	<u>147</u>	Notice of Filing of Official Electronic Transcript of Pretrial Conference, Proceedings as to Jeffrey Ndungi Sila held on September 22, 2017 before Judge Jane J. Boyle. Parties are notified of their duty to review the transcript. See <u>Misc Order 61 (MO) 61</u> and <u>Special Order (SO) 19-1</u> . If information that should be redacted under SO 19-1 is in the transcript, contact the Operations Assistance Team at (214)753-2240 immediately. If redaction of personal identifiers under MO 61 is necessary, file a <u>Redaction Request – Transcript</u> within 21 days. If no action is taken, the entire transcript will be made available through PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (36 pages) Court Reporter/Transcriber Shawnie Archuleta, Telephone number shawnie505@aol.com. A copy of the transcript may be purchased from the court reporter or viewed at the clerk's office. Redaction Request under SO 19-1, due immediately. Redaction Request due 7/20/2018. Redacted Transcript Deadline set for 7/30/2018. Release of Transcript Restriction set for 9/27/2018. (spa) (Entered: 06/29/2018)
06/29/2018	<u>148</u>	Notice of Filing of Official Electronic Transcript of Jury Trial – Volume 1, Proceedings as to Jeffrey Ndungi Sila held on September 25, 2017 before Judge Jane J. Boyle. Parties are notified of their duty to review the transcript. See <u>Misc Order 61 (MO) 61</u> and <u>Special Order (SO) 19-1</u> . If information that should be redacted under SO 19-1 is in the transcript, contact the Operations Assistance Team at (214)753-2240 immediately. If redaction of personal identifiers under MO 61 is necessary, file a <u>Redaction Request – Transcript</u> within 21 days. If no action is taken, the entire transcript will be made available through PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (220 pages) Court Reporter/Transcriber Shawnie Archuleta, Telephone number shawnie505@aol.com. A copy of the transcript may be purchased from the court reporter or viewed at the clerk's office. Redaction Request under SO 19-1, due immediately. Redaction Request due 7/20/2018. Redacted Transcript Deadline set for 7/30/2018. Release of Transcript Restriction set for 9/27/2018. (spa) (Entered: 06/29/2018)
06/29/2018	<u>149</u>	Notice of Filing of Official Electronic Transcript of Jury Trial – Volume 2, Proceedings as to Jeffrey Ndungi Sila held on September 26, 2017 before Judge Jane

		J. Boyle. Parties are notified of their duty to review the transcript. See <u>Misc Order 61 (MO) 61</u> and <u>Special Order (SO) 19-1</u> . If information that should be redacted under SO 19-1 is in the transcript, contact the Operations Assistance Team at (214)753-2240 immediately. If redaction of personal identifiers under MO 61 is necessary, file a <u>Redaction Request – Transcript</u> within 21 days. If no action is taken, the entire transcript will be made available through PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (253 pages) Court Reporter/Transcriber Shawnie Archuleta, Telephone number shawnie505@aol.com. A copy of the transcript may be purchased from the court reporter or viewed at the clerk's office. Redaction Request under SO 19-1, due immediately. Redaction Request due 7/20/2018. Redacted Transcript Deadline set for 7/30/2018. Release of Transcript Restriction set for 9/27/2018. (spa) (Entered: 06/29/2018)
06/29/2018	<u>150</u>	Notice of Filing of Official Electronic Transcript of Jury Trial – Volume 3, Proceedings as to Jeffrey Ndungi Sila held on September 27, 2017 before Judge Jane J. Boyle. Parties are notified of their duty to review the transcript. See <u>Misc Order 61 (MO) 61</u> and <u>Special Order (SO) 19-1</u> . If information that should be redacted under SO 19-1 is in the transcript, contact the Operations Assistance Team at (214)753-2240 immediately. If redaction of personal identifiers under MO 61 is necessary, file a <u>Redaction Request – Transcript</u> within 21 days. If no action is taken, the entire transcript will be made available through PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (97 pages) Court Reporter/Transcriber Shawnie Archuleta, Telephone number shawnie505@aol.com. A copy of the transcript may be purchased from the court reporter or viewed at the clerk's office. Redaction Request under SO 19-1, due immediately. Redaction Request due 7/20/2018. Redacted Transcript Deadline set for 7/30/2018. Release of Transcript Restriction set for 9/27/2018. (spa) (Entered: 06/29/2018)
07/19/2018	<u>151</u>	MOTION for Leave to File Motion to Introduce Transcript Excerpts filed by Jeffrey Ndungi Sila. (ndt) (Entered: 07/20/2018)
07/25/2018	153	ELECTRONIC ORDER as to Jeffrey Ndungi Sila (1): Before the Court is Defendant Jeffrey Ndungi Sila's <u>151</u> Motion for Leave to File Transcript Excerpts. The document Defendant is seeking leave to file, which is entitled Motion to Introduce Transcript Excerpts, combines into a single document the portions of the trial transcript that Defendant believes reinforce his arguments in his previously-filed motions and Presentence Report (PSR) objections. If the Defendant wishes for the Court to consider these portions of the trial transcript, he is instructed to file a separate document as to the motion for new trial, motion for acquittal, and PSR objections. Accordingly, Defendant's Motion for Leave to File Transcript Excerpts is denied without prejudice. (Ordered by Judge Jane J. Boyle on 7/25/2018) (chmb) (Entered: 07/25/2018)
07/25/2018	154	ELECTRONIC ORDER finding as moot <u>146</u> Motion to Intervene as to Jeffrey Ndungi Sila (1). (Ordered by Judge Jane J. Boyle on 7/25/2018) (chmb) (Entered: 07/25/2018)
07/25/2018	155	ELECTRONIC ORDER as to Jeffrey Ndungi Sila: In light of this Court's 7/25/2018 order denying without prejudice Defendant's Motion for Leave to File Transcript Excerpts (doc. 153), the Court resets the motion hearing on Defendant's <u>126</u> Motion for a New Trial and <u>127</u> Motion for Acquittal and Sentencing Hearing to 9/20/2018 at

		01:30 PM. All final documents Defendant wishes for the Court to consider related to Defendant's pending motions and sentencing, including, but not limited to, replies, transcript excerpts, PSR objections, sentencing memoranda, motions for downward departure and/or variance, and character letters, must be filed no later than 8/23/2018. (Ordered by Judge Jane J. Boyle on 7/25/2018) (chmb) (Entered: 07/25/2018)
08/23/2018	<u>160</u>	Request for copies of documents by Jeffrey Ndungi Sila with Deputy Clerk's response. (ykp) (Entered: 08/27/2018)
09/18/2018	<u>162</u>	TRANSCRIPT EXCERPTS filed by Jeffrey Ndungi Sila re: <u>126</u> MOTION for a New Trial. (chmb) (Entered: 09/18/2018)
09/18/2018	<u>163</u>	TRANSCRIPT EXCERPTS filed by Jeffrey Ndungi Sila re: <u>127</u> MOTION for Acquittal. (chmb) (Entered: 09/18/2018)
09/20/2018	<u>165</u>	MOTION to Dismiss <i>Indictment and Superseding Indictment</i> filed by USA as to Jeffrey Ndungi Sila (Stokes-DOJ, Christopher) (Entered: 09/20/2018)
09/20/2018	167	ELECTRONIC Minute Entry for proceedings held before Judge Jane J. Boyle: Motion Hearing as to Jeffrey Ndungi Sila held on 9/20/2018 re <u>126</u> and <u>137</u> Motions for a New Trial and <u>127</u> Motion for Acquittal. Motions denied for the reasons stated on the record. Sentencing held on 9/20/2018 for Jeffrey Ndungi Sila (1). On Counts 1ss, 2ss, and 3ss, Defendant sentenced to 73 months on each of Counts 1ss and 3ss, to run concurrently with each other, and 24 months on Count 2ss, to run consecutively to all other counts, for a total aggregate sentence of 97 months; supervised release for a period of 2 years on each of Counts 1ss and 3ss and 1 year on Count 2ss, with all terms to run concurrently; restitution in the amount of \$9,443; and a \$100 MSA on each count for a total of \$300. Counts 1, 1s, and 2s are dismissed on the government's <u>165</u> Motion to Dismiss Original and Superseding Indictments. Defendant's oral motion for the appointment of counsel for an appeal granted. Attorney Appearances: AUSA – Christopher Stokes; Defense – pro se. (Court Reporter: Shawnie Archuleta) (No exhibits) Time in Court – 1:21. (chmb) (Entered: 09/21/2018)
09/21/2018	<u>168</u>	CJA 20 Order appointing attorney. Attorney Niles S Illich for Jeffrey Ndungi Sila appointed. This appointment continues through any appeal unless counsel is relieved by court order for good cause shown – See Miscellaneous Order 3 Criminal Justice Act Plan. Within one week, the court will contact you via email and provide a link to the eVoucher System. Any work done on an appeal must be billed per circuit instructions. For questions, consult the <u>CJA Attorney Information</u> page or use the <u>directory</u> to contact the appointing judges courtroom deputy. Copies of public documents filed prior to this appointment may be obtained via PACER. (Ordered by Judge Jane J. Boyle on 9/21/2018) (ndt) (Entered: 09/26/2018)
09/21/2018	<u>169</u>	JUDGMENT as to Jeffrey Ndungi Sila (1), Count(s) 1, 1s, 2s, Dismissed on the government's motion.; Count(s) 1ss, 2ss, 3ss, Defendant sentenced to 73 months on each of Counts 1ss and 3ss, to run concurrently with each other, and 24 months on Count 2ss, to run consecutively to all other counts, for a total aggregate sentence of 97 months; supervised release for a period of 2 years on each of Counts 1ss and 3ss and 1 year on Count 2ss, with all terms to run concurrently; restitution in the amount of \$9,443; and a \$100 MSA on each count for a total of \$300. Pursuant to LR 79.2 and LCrR 55.2, exhibits may be claimed during the 60–day period following final disposition (to do so, follow the procedures found at <u>Exhibit Guide</u> ). The clerk will discard exhibits that remain unclaimed after the 60–day period without additional notice. (Clerk to notice any party not electronically noticed.) (Ordered by Judge Jane

		J. Boyle on 9/21/2018) (ndt) (Entered: 09/26/2018)
09/26/2018	<u>171</u>	NOTICE OF APPEAL to the Fifth Circuit by Jeffrey Ndungi Sila. T.O. form to appellant electronically at <a href="#">Transcript Order Form</a> or US Mail as appropriate. Copy of NOA to be sent US Mail to parties not electronically noticed. IMPORTANT ACTION REQUIRED: Provide an electronic copy of any exhibit you offered during a hearing or trial that was admitted into evidence to the clerk of the district court within 14 days of the date of this notice. Copies must be transmitted as PDF attachments through ECF by all ECF Users or delivered to the clerk on a CD by all non-ECF Users. See detailed instructions <a href="#">here</a> . (Exception: This requirement does not apply to a Defendant proceeding pro se.) Please note that if original exhibits are in your possession, you must maintain them through final disposition of the case. (Illich, Niles) (Entered: 09/26/2018)
10/01/2018	<u>172</u>	NOTICE OF APPEAL to the Fifth Circuit as to <u>169</u> Judgment by Jeffrey Ndungi Sila. T.O. form to appellant electronically at <a href="#">Transcript Order Form</a> or US Mail as appropriate. Copy of NOA to be sent US Mail to parties not electronically noticed. IMPORTANT ACTION REQUIRED: Provide an electronic copy of any exhibit you offered during a hearing or trial that was admitted into evidence to the clerk of the district court within 14 days of the date of this notice. Copies must be transmitted as PDF attachments through ECF by all ECF Users or delivered to the clerk on a CD by all non-ECF Users. See detailed instructions <a href="#">here</a> . (Exception: This requirement does not apply to a Defendant proceeding pro se.) Please note that if original exhibits are in your possession, you must maintain them through final disposition of the case. (axm) (Entered: 10/02/2018)
10/01/2018	175	MOTION to Appoint Counsel on Appeal filed by Jeffrey Ndungi Sila (See document <u>172</u> for image). (axm) Modified to add docket number on 10/3/2018 (cea). (Entered: 10/02/2018)
10/02/2018	<u>173</u>	Transcript Order Form: transcript requested for probable cause 10/5/2016, hearing 10/12/2016, motion to withdraw 2/22/2017, motion to substitute 6/15/2017 (Court Reporter: Visiting Reporter.) Payment method: CJA Funds (Note to the CJA Attorney: The CJA 24 form must be completed through <a href="#">eVoucher</a> . If you are not registered, have questions, or need assistance, email the eVoucher help desk at <a href="mailto:eVoucher@txnd.uscourts.gov">eVoucher@txnd.uscourts.gov</a> .) Reminder to appellant: this document must also be filed with the appeals court. (Illich, Niles) (Entered: 10/02/2018)
10/02/2018	<u>174</u>	Transcript Order Form: transcript requested for motion to reconsider 8/10/2017, pretrial 9/22/2017, trial 9/25/2017–9/27/2017, motion to go forward pro-se 2/8/2018, motion for new trial, acquittal, and sentencing 9/20/2018 (Court Reporter: Shawnie Archuleta.) Payment method: CJA Funds (Note to the CJA Attorney: The CJA 24 form must be completed through <a href="#">eVoucher</a> . If you are not registered, have questions, or need assistance, email the eVoucher help desk at <a href="mailto:eVoucher@txnd.uscourts.gov">eVoucher@txnd.uscourts.gov</a> .) Reminder to appellant: this document must also be filed with the appeals court. (Illich, Niles) (Entered: 10/02/2018)
10/03/2018	176	ELECTRONIC ORDER finding as moot Motion to Appoint Counsel on Appeal as to Jeffrey Ndungi Sila (1). Attorney Niles S Illich was appointed to represent Defendant on appeal on 9/21/2018. See doc. <u>168</u> . (Ordered by Judge Jane J. Boyle on 10/3/2018) (chmb) (Entered: 10/03/2018)
10/22/2018	<u>182</u>	Received letter from United States Court of Appeals re: NO COURT REPORTER ACKNOWLEDGMENT RECEIVED for Ms. Shawnie Archuleta and Ms. Kathy



		Rehling. (svc) (Entered: 10/23/2018)
10/23/2018	<u>177</u>	Notice of Filing of Official Electronic Transcript of Preliminary Hearing Proceedings as to Jeffrey Ndungi Sila held on 10/04/2016 before Judge Irma Carrillo Ramirez. Parties are notified of their duty to review the transcript. See <u>Misc Order 61 (MO) 61</u> and <u>Special Order (SO) 19-1</u> . If information that should be redacted under SO 19-1 is in the transcript, contact the Operations Assistance Team at (214)753-2240 immediately. If redaction of personal identifiers under MO 61 is necessary, file a <u>Redaction Request – Transcript</u> within 21 days. If no action is taken, the entire transcript will be made available through PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (15 pages) Court Reporter/Transcriber Kathy Rehling, kathyrehlingtranscripts@gmail.com, Telephone number 972-786-3063. A copy of the transcript may be purchased from the court reporter or viewed at the clerk's office. Redaction Request under SO 19-1, due immediately. Redaction Request due 11/13/2018. Redacted Transcript Deadline set for 11/23/2018. Release of Transcript Restriction set for 1/22/2019. (Rehling, Kathy) Modified text on 12/17/2018 (svc). (Entered: 10/23/2018)
10/23/2018	<u>178</u>	Notice of Filing of Official Electronic Transcript of Initial Appearance, Arraignment and Bond Proceedings as to Jeffrey Ndungi Sila held on 10/12/2016 before Judge David L. Horan. Parties are notified of their duty to review the transcript. See <u>Misc Order 61 (MO) 61</u> and <u>Special Order (SO) 19-1</u> . If information that should be redacted under SO 19-1 is in the transcript, contact the Operations Assistance Team at (214)753-2240 immediately. If redaction of personal identifiers under MO 61 is necessary, file a <u>Redaction Request – Transcript</u> within 21 days. If no action is taken, the entire transcript will be made available through PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (7 pages) Court Reporter/Transcriber Kathy Rehling, kathyrehlingtranscripts@gmail.com, Telephone number 972-786-3063. A copy of the transcript may be purchased from the court reporter or viewed at the clerk's office. Redaction Request under SO 19-1, due immediately. Redaction Request due 11/13/2018. Redacted Transcript Deadline set for 11/23/2018. Release of Transcript Restriction set for 1/22/2019. (Rehling, Kathy) (Entered: 10/23/2018)
10/23/2018	<u>179</u>	Notice of Filing of Official Electronic Transcript of Motion to Appoint Counsel (#32) Proceedings as to Jeffrey Ndungi Sila held on 02/22/2017 before Judge David L. Horan. Parties are notified of their duty to review the transcript. See <u>Misc Order 61 (MO) 61</u> and <u>Special Order (SO) 19-1</u> . If information that should be redacted under SO 19-1 is in the transcript, contact the Operations Assistance Team at (214)753-2240 immediately. If redaction of personal identifiers under MO 61 is necessary, file a <u>Redaction Request – Transcript</u> within 21 days. If no action is taken, the entire transcript will be made available through PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (9 pages) Court Reporter/Transcriber Kathy Rehling, kathyrehlingtranscripts@gmail.com, Telephone number 972-786-3063. A copy of the transcript may be purchased from the court reporter or viewed at the clerk's office. Redaction Request under SO 19-1, due immediately. Redaction Request due 11/13/2018. Redacted Transcript Deadline set for 11/23/2018. Release of Transcript Restriction set for 1/22/2019. (Rehling, Kathy) (Entered: 10/23/2018)
10/23/2018	<u>180</u>	Notice of Filing of Official Electronic Transcript of Motion to Substitute Counsel (#48) (Excerpt: Exclusive of Under Seal/Ex Parte Proceedings from 2:33-3:09 p.m.)

		<p>Proceedings as to Jeffrey Ndungi Sila held on 06/15/2017 before Judge David L. Horan. Parties are notified of their duty to review the transcript. See <u>Misc Order 61 (MO) 61</u> and <u>Special Order (SO) 19-1</u>. If information that should be redacted under SO 19-1 is in the transcript, contact the Operations Assistance Team at (214)753-2240 immediately. If redaction of personal identifiers under MO 61 is necessary, file a <u>Redaction Request – Transcript</u> within 21 days. If no action is taken, the entire transcript will be made available through PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (7 pages) Court Reporter/Transcriber Kathy Rehling, kathyrehlingtranscripts@gmail.com, Telephone number 972-786-3063. A copy of the transcript may be purchased from the court reporter or viewed at the clerk's office. Redaction Request under SO 19-1, due immediately. Redaction Request due 11/13/2018. Redacted Transcript Deadline set for 11/23/2018. Release of Transcript Restriction set for 1/22/2019. (Rehling, Kathy) (Entered: 10/23/2018)</p>
11/07/2018	<u>183</u>	EXHIBIT LIST by Jeffrey Ndungi Sila (Tyson, Ezekiel) (Entered: 11/07/2018)
11/13/2018	<u>184</u>	<p>Notice of Filing of Official Electronic Transcript of Motion Hearing, Proceedings as to Jeffrey Ndungi Sila held on February 8, 2018 before Judge Jane J. Boyle. Parties are notified of their duty to review the transcript. See <u>Misc Order 61 (MO) 61</u> and <u>Special Order (SO) 19-1</u>. If information that should be redacted under SO 19-1 is in the transcript, contact the Operations Assistance Team at (214)753-2240 immediately. If redaction of personal identifiers under MO 61 is necessary, file a <u>Redaction Request – Transcript</u> within 21 days. If no action is taken, the entire transcript will be made available through PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (25 pages) Court Reporter/Transcriber Shawnie Archuleta, Telephone number shawnie505@aol.com. A copy of the transcript may be purchased from the court reporter or viewed at the clerk's office. Redaction Request under SO 19-1, due immediately. Redaction Request due 12/4/2018. Redacted Transcript Deadline set for 12/14/2018. Release of Transcript Restriction set for 2/11/2019. (spa) (Entered: 11/13/2018)</p>
11/13/2018	<u>185</u>	<p>Notice of Filing of Official Electronic Transcript of Motion for New Trial – Sentencing Proceedings as to Jeffrey Ndungi Sila held on September 20, 2018 before Judge Jane J. Boyle. Parties are notified of their duty to review the transcript. See <u>Misc Order 61 (MO) 61</u> and <u>Special Order (SO) 19-1</u>. If information that should be redacted under SO 19-1 is in the transcript, contact the Operations Assistance Team at (214)753-2240 immediately. If redaction of personal identifiers under MO 61 is necessary, file a <u>Redaction Request – Transcript</u> within 21 days. If no action is taken, the entire transcript will be made available through PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (66 pages) Court Reporter/Transcriber Shawnie Archuleta, Telephone number shawnie505@aol.com. A copy of the transcript may be purchased from the court reporter or viewed at the clerk's office. Redaction Request under SO 19-1, due immediately. Redaction Request due 12/4/2018. Redacted Transcript Deadline set for 12/14/2018. Release of Transcript Restriction set for 2/11/2019. (spa) (Entered: 11/13/2018)</p>
12/10/2018	<u>186</u>	<p>USB Drive with Electronic Copy of Admitted Hearing or Trial Exhibit(s) filed by USA as to Jeffrey Ndungi Sila re: <u>171</u> Notice of Appeal, <u>103</u> Notice of Appeal, and <u>172</u> Notice of Appeal filed by Jeffrey Ndungi Sila. (svc) (Entered: 12/11/2018)</p>



01/08/2019		<p>Record on Appeal for USCA5 17–11212 (related to <u>103</u> appeal) as to Jeffrey Ndungi Sila: Record consisting of: 1 ECF electronic record on appeal (eROA) is certified, 11 Volume(s) electronic transcript, 1 Electronic Presentence Report/SOR certified to USCA.</p> <p><b>PLEASE NOTE THE FOLLOWING:</b> Licensed attorneys must have filed an appearance in the USCA5 case and be registered for electronic filing in the USCA5 to access the paginated eROA in the USCA5 ECF system. (Take these steps immediately if you have not already done so. Once you have filed the notice of appearance and/or USCA5 ECF registration, it may take up to 3 business days for the circuit to notify the district clerk that we may grant you access to the eROA in the USCA5 ECF system.) To access the paginated record, log in to the USCA5 ECF system, and under the Utilities menu, select Electronic Record on Appeal. Pro se litigants may request a copy of the record by <u>contacting the appeals deputy</u> in advance to arrange delivery. (epm) Modified text on 1/8/2019 (epm). (Entered: 01/08/2019)</p>
04/24/2019	<u>187</u>	<p>ORDER of USCA as to Jeffrey Ndungi Sila re <u>171</u> Notice of Appeal. Motion to withdraw as counsel on the ground that Sila has "terminated [his] representation" and wishes to be represented by Clint Broden is DENIED WITHOUT PREJUDICE. (svc) (Entered: 04/25/2019)</p>
05/07/2019	<u>188</u>	<p>CLERK ORDER of USCA Granting Motion to withdraw as counsel and Motion to substitute counsel filed by Appellant. Attorney Niles Stefan Illich substituted by Attorney F. Clinton Broden (svc) (Entered: 05/07/2019)</p>
07/31/2019	<u>189</u>	<p>Court Request for Recusal: Magistrate Judge Horan recused. Magistrate Judge Ramirez assigned for matters that may be referred. (axm) (Entered: 08/01/2019)</p>
10/24/2019	<u>190</u>	<p>Record on Appeal for USCA5 17–11212 (related to <u>171</u> , <u>103</u> , <u>172</u> appeal) as to Jeffrey Ndungi Sila: Record consisting of: 1 USB Drive of original exhibits, transmitted to Nancy Blair Barohn. Shipped: Fed Ex 7768 0860 7166. (axm) (Entered: 10/28/2019)</p>
12/06/2019	<u>191</u>	<p>Received letter from USCA5: CLERK ORDER granting Motion to supplement the record on appeal filed by Appellant Mr. Jeffrey Ndungi Sila. (svc) (Entered: 12/09/2019)</p>
12/10/2019	<u>192</u>	<p>Appeal Record Returned as to Jeffrey Ndungi Sila: 1 Flash Drive – Doc. <u>186</u> returned. (axm) (Entered: 12/17/2019)</p>
12/17/2019	<u>193</u>	<p>Record on Appeal for USCA5 17–11212 (related to <u>171</u> , <u>103</u> , <u>172</u> appeal) as to Jeffrey Ndungi Sila: Record consisting of 1 USB Drive of original exhibits, transmitted to US Attorney's Office by hand delivery. (axm) (Entered: 12/17/2019)</p>
12/20/2019		<p>Supplemental Record on Appeal for USCA5 17–11212 (related to <u>171</u> , <u>103</u> , <u>172</u> appeal) as to Jeffrey Ndungi Sila: Record consisting of: 1 ECF electronic record on appeal (eROA) is certified,.</p> <p><b>PLEASE NOTE THE FOLLOWING:</b> Licensed attorneys must have filed an appearance in the USCA5 case and be registered for electronic filing in the USCA5 to access the paginated eROA in the USCA5 ECF system. (Take these steps immediately if you have not already done so. Once you have filed the notice of appearance and/or USCA5 ECF registration, it may take up to 3 business days for the circuit to notify the district clerk that we may grant you access to the eROA in the USCA5 ECF system.) To access the paginated record, log in to the USCA5 ECF system, and under the Utilities menu, select Electronic Record on Appeal. Pro se</p>

		litigants may request a copy of the record by <u>contacting the appeals deputy</u> in advance to arrange delivery. (svc) (Entered: 12/20/2019)
01/14/2020	<u>194</u>	Mail returned as undeliverable. NEF of Supplemental Appeal Record Certified/Transmitted received back from Jeffrey Ndungi Sila as Refused; unable to forward. No address update from last filed document. The current document has not been re-mailed. (axm) (Entered: 01/18/2020)
02/04/2020	<u>195</u>	Notice of Transfer of the 5th Circuit Original Record on Appeal as to Jeffrey Ndungi Sila: Doc. <u>186</u> – Flash Drive returned. (axm) (Entered: 02/06/2020)
02/20/2020		Supplemental Record on Appeal for USCA5 17–11212 (related to <u>171</u> , <u>103</u> , <u>172</u> appeal) as to Jeffrey Ndungi Sila: Record consisting of: 1 flash drive of exhibits. <b>PLEASE NOTE THE FOLLOWING:</b> Licensed attorneys must have filed an appearance in the USCA5 case and be registered for electronic filing in the USCA5 to access the paginated eROA in the USCA5 ECF system. (Take these steps immediately if you have not already done so. Once you have filed the notice of appearance and/or USCA5 ECF registration, it may take up to 3 business days for the circuit to notify the district clerk that we may grant you access to the eROA in the USCA5 ECF system.) To access the paginated record, log in to the USCA5 ECF system, and under the Utilities menu, select Electronic Record on Appeal. Pro se litigants may request a copy of the record by <u>contacting the appeals deputy</u> in advance to arrange delivery. (svc) (Entered: 02/20/2020)
03/03/2020	<u>196</u>	Electronic Copy of Admitted Hearing or Trial Exhibit(s) by Jeffrey Ndungi Sila re: <u>172</u> Notice of Appeal,,, filed by Jeffrey Ndungi Sila. Exhibits are available for public inspection at the clerk's office (Attachments: # <u>1</u> Exhibit(s) 01, # <u>2</u> Exhibit(s) 02, # <u>3</u> Exhibit(s) 03, # <u>4</u> Exhibit(s) 04, # <u>5</u> Exhibit(s) 05, # <u>6</u> Exhibit(s) 06, # <u>7</u> Exhibit(s) 07, # <u>8</u> Exhibit(s) 09, # <u>9</u> Exhibit(s) 19, # <u>10</u> Exhibit(s) 24, # <u>11</u> Exhibit(s) 25–1, # <u>12</u> Exhibit(s) 25–2, # <u>13</u> Exhibit(s) 27, # <u>14</u> Exhibit(s) 29, # <u>15</u> Exhibit(s) 31, # <u>16</u> Exhibit(s) 33, # <u>17</u> Exhibit(s) 34, # <u>18</u> Exhibit(s) 35, # <u>19</u> Exhibit(s) 36, # <u>20</u> Exhibit(s) 37, # <u>21</u> Exhibit(s) 38, # <u>22</u> Exhibit(s) 39, # <u>23</u> Exhibit(s) 40, # <u>24</u> Exhibit(s) 41, # <u>25</u> Exhibit(s) 42, # <u>26</u> Exhibit(s) 44, # <u>27</u> Exhibit(s) 45, # <u>28</u> Exhibit(s) 49, # <u>29</u> Exhibit(s) 50) (Stokes–DOJ, Christopher) (Entered: 03/03/2020)
03/04/2020		Second Supplemental Record on Appeal for USCA5 17–11212 (related to <u>171</u> , <u>103</u> , <u>172</u> appeal) as to Jeffrey Ndungi Sila: Record consisting of: 1 ECF electronic record on appeal (eROA) is certified,. <b>PLEASE NOTE THE FOLLOWING:</b> Licensed attorneys must have filed an appearance in the USCA5 case and be registered for electronic filing in the USCA5 to access the paginated eROA in the USCA5 ECF system. (Take these steps immediately if you have not already done so. Once you have filed the notice of appearance and/or USCA5 ECF registration, it may take up to 3 business days for the circuit to notify the district clerk that we may grant you access to the eROA in the USCA5 ECF system.) To access the paginated record, log in to the USCA5 ECF system, and under the Utilities menu, select Electronic Record on Appeal. Pro se litigants may request a copy of the record by <u>contacting the appeals deputy</u> in advance to arrange delivery. (axm) (Entered: 03/04/2020)
11/12/2020	<u>197</u>	Opinion of USCA in accordance with USCA judgment re <u>103</u> , <u>171</u> , <u>172</u> Notice of Appeals, filed by Jeffrey Ndungi Sila. The judgment of the district court is AFFIRMED on Counts I and II and VACATED with respect to Count III. The case is REMANDED for re-sentencing. (axm) (Entered: 11/13/2020)

11/12/2020	<u>198</u>	JUDGMENT/MANDATE of USCA as to <u>103</u> , <u>171</u> , <u>172</u> Notice of Appeals, filed by Jeffrey Ndungi Sila. The judgment of the District Court is AFFIRMED IN PART and VACATED IN PART, and the cause is REMANDED to the District Court for further proceedings in accordance with the opinion of this Court. Pursuant to LR 79.2 and LCrR 55.2, exhibits may be claimed during the 60-day period following final disposition (to do so, follow the procedures found at <u>Exhibit Guide</u> ). The clerk will discard exhibits that remain unclaimed after the 60-day period without additional notice. (Clerk to notice any party not electronically noticed.) (axm) (Entered: 11/13/2020)
11/16/2020	<u>199</u>	Notice of Substitution of Counsel on behalf Assistant US Attorney. Attorney Sid P Mody-DOJ added in case as to Jeffrey Ndungi Sila. (Clerk to set designation as: Assistant US Attorney.) (If sealed documents that you are authorized to see were previously filed by U.S. Pretrial Services or U.S. Probation, you will require assistance to gain access to them and any related filings. Please call the clerk at 214.753.2240 during business hours to request access.) (Mody-DOJ, Sid) (Entered: 11/16/2020)
11/16/2020	200	ELECTRONIC Resentencing Scheduling Order as to Jeffrey Ndungi Sila: Presentence Investigation Addendum due by 12/9/2020. Objections to Presentence Investigation Addendum due by 12/23/2020. Resentencing set for 1/7/2021 at 01:30 PM before Judge Jane J. Boyle. (Ordered by Judge Jane J. Boyle on 11/16/2020) (chmb) (Entered: 11/16/2020)
12/17/2020	<u>202</u>	NOTICE OF ATTORNEY APPEARANCE by Katherine L Reed (Clerk to Set Designation as: Retained) appearing for Jeffrey Ndungi Sila (Filer confirms contact info in ECF is current.) (If sealed documents that you are authorized to see were previously filed by U.S. Pretrial Services or U.S. Probation, you will require assistance to gain access to them and any related filings. Please call the clerk at 214.753.2240 during business hours to request access.) (Reed, Katherine) (Entered: 12/17/2020)
12/22/2020	<u>203</u>	MOTION to Substitute Attorney, added attorney Dimitri Dube. Motion filed by Jeffrey Ndungi Sila as to Jeffrey Ndungi Sila with Brief/Memorandum in Support. (Dube, Dimitri) (Entered: 12/22/2020)
12/28/2020	204	ELECTRONIC ORDER as to Jeffrey Ndungi Sila (1): Before the Court is Defendant Jeffrey Ndungi Sila's <u>203</u> Motion to Substitute. After consideration, the Court determines that the Motion should be and is hereby GRANTED. Katherine L Reed is hereby withdrawn from this case and Dimitri Dube is substituted in as counsel for Defendant Sila. (Ordered by Judge Jane J. Boyle on 12/28/2020) (chmb) (Entered: 12/28/2020)
01/04/2021	205	ELECTRONIC ORDER as to Jeffrey Ndungi Sila: The Court has been made aware that, due to transport delays related to the COVID-19 pandemic, Defendant Jeffrey Ndungi Sila will not arrive back in this district before his current resentencing date of 1/7/2021. Accordingly, his resentencing is reset to 2/4/2021 at 01:30 PM before Judge Jane J. Boyle. (Ordered by Judge Jane J. Boyle on 1/4/2021) (chmb) (Entered: 01/04/2021)
01/29/2021	<u>207</u>	MOTION to Continue Sentencing filed by Jeffrey Ndungi Sila with Brief/Memorandum in Support. (Dube, Dimitri) Modified text on 2/1/2021 (ykp). (Entered: 01/29/2021)
02/02/2021	208	

		ELECTRONIC ORDER granting <u>207</u> Motion to Continue as to Jeffrey Ndungi Sila (1): Re-sentencing set for 2/17/2021 at 10:30 AM before Judge Jane J. Boyle. (Ordered by Judge Jane J. Boyle on 2/2/2021) (chmb) (Entered: 02/02/2021)
02/04/2021	<u>211</u>	NOTICE OF ATTORNEY APPEARANCE by Stephen S Gilstrap appearing for USA . (Clerk to set designation as: Assistant US Attorney). (If sealed documents that you are authorized to see were previously filed by U.S. Pretrial Services or U.S. Probation, you will require assistance to gain access to them and any related filings. Please call the clerk at 214.753.2240 during business hours to request access.) (Gilstrap, Stephen) (Entered: 02/04/2021)
02/16/2021	213	ELECTRONIC ORDER as to Jeffrey Ndungi Sila: Due to inclement weather, the re-sentencing hearing currently scheduled for 2/17/2021 at 10:30 AM is canceled and will be rest by separate notice. (Ordered by Judge Jane J. Boyle on 2/16/2021) (chmb) (Entered: 02/16/2021)
03/10/2021	214	ELECTRONIC NOTICE OF HEARING as to Jeffrey Ndungi Sila: Re-sentencing set for 3/18/2021 at 02:30 PM before Judge Jane J. Boyle. (chmb) (Entered: 03/10/2021)
03/18/2021	215	ELECTRONIC Minute Entry for proceedings held before Judge Jane J. Boyle: Re-sentencing held on 3/18/2021 for Jeffrey Ndungi Sila (1). On Counts 1ss and 2ss, Defendant sentenced to the custody of the BOP for a period of 63 on Count 1ss and 24 months on Count 2ss, to run consecutively, for a total aggregate sentence of 87 months; 1 year S/R on each count to run concurrently; and a \$100 MSA per count for a total of \$200. Counts 3ss disposed by USCA5 on 11/12/2020. Deft custody continued. Attorney Appearances: AUSA – Stephen S Gilstrap; Defense – Dimitri Dube. (No exhibits) Time in Court – 0:38. (Court Reporter: Shawnie Archuleta) (USPO Wolf.) (chmb) (Entered: 03/24/2021)
03/26/2021	<u>216</u>	AMENDED JUDGMENT as to Jeffrey Ndungi Sila (1): Count(s) 1, 1s, 2s, 3ss, Dismissed. Count(s) 1ss, BOP 63 months; S/R 1 years to run concurrently to each count; MSA \$100. Count(s) 2ss, BOP 24 months to run consecutively to Counts 1ss for a total aggregate sentence of 87 months; S/R 1 year to run concurrently to each count; MSA \$100. (Ordered by Judge Jane J. Boyle on 3/26/2021) (axm) (Entered: 03/26/2021)
04/06/2021	<u>218</u>	NOTICE OF APPEAL to the Fifth Circuit as to <u>216</u> Amended Judgment, by Jeffrey Ndungi Sila. Filing fee \$505, receipt number 0539-11771151. T.O. form to appellant electronically at <a href="#">Transcript Order Form</a> or US Mail as appropriate. Copy of NOA to be sent US Mail to parties not electronically noticed. IMPORTANT ACTION REQUIRED: Provide an electronic copy of any exhibit you offered during a hearing or trial that was admitted into evidence to the clerk of the district court within 14 days of the date of this notice. Copies must be transmitted as PDF attachments through ECF by all ECF Users or delivered to the clerk on a CD by all non-ECF Users. See detailed instructions <a href="#">here</a> . (Exception: This requirement does not apply to a Defendant proceeding pro se.) Please note that if original exhibits are in your possession, you must maintain them through final disposition of the case. (Dube, Dimitri) (Entered: 04/06/2021)
04/12/2021		USCA Case Number as to Jeffrey Ndungi Sila 21-10347 for <u>218</u> Notice of Appeal filed by Jeffrey Ndungi Sila. (ajb) (Entered: 04/12/2021)
04/27/2021	<u>219</u>	Transcript Order Form: re <u>218</u> Notice of Appeal,,, transcript requested for Sentencing held 3/18/21 (Court Reporter: Shawnie Archuleta.) Payment method:

		Private Funds – Requester has paid or will pay as directed by the reporter. Reminder to appellant: this document must also be filed with the appeals court. (Dube, Dimitri) (Entered: 04/27/2021)
06/22/2021	<u>220</u>	Notice of Filing of Official Electronic Transcript of Resentencing Proceedings as to Jeffrey Ndungi Sila held on 03–18–2021 before Judge Jane J. Boyle. Parties are notified of their duty to review and request redaction of the transcript. See <u>Misc Order (MO) 61</u> and <u>Special Order (SO) 19–1</u> . If the transcript contains information that should be redacted under SO 19–1, contact the Operations Assistance Team at (214)753–2240 immediately. If the transcript contains personal identifiers that must be redacted under MO 61, Fed.R.Civ.P. 5.2 or Fed.R.Crim.P. 49.1, or if the transcript contains the name of a minor child victim or a minor child witness that must be redacted under 18 U.S.C. § 3509, file a <u>Redaction Request – Transcript</u> within 21 days. If no action is taken, the entire transcript will be made available through PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (39 pages) Court Reporter/Transcriber Shawnie Archuleta, Telephone number shawnie505@aol.com. A copy of the transcript may be purchased from the court reporter or viewed at the office of the clerk. Redaction Request under SO 19–1, due immediately. Redaction Request due 7/13/2021. Redacted Transcript Deadline set for 7/23/2021. Release of Transcript Restriction set for 9/20/2021. (spa) (Entered: 06/22/2021)
07/02/2021		USCA Case Number as to Jeffrey Ndungi Sila 21–10347 for <u>218</u> Notice of Appeal filed by Jeffrey Ndungi Sila. (ajb) (Entered: 07/02/2021)
07/02/2021		Record on Appeal for USCA5 21–10347 (related to <u>218</u> appeal) as to Jeffrey Ndungi Sila: Record consisting of: 1 ECF electronic record on appeal (eROA) is certified, 11 Volume(s) electronic transcript, Sealed or ex parte electronic document number(s): 36, 52, 73, 135, 156, 157, 159, 164, 166, 181 (circuit approval is required for access), 1 Electronic Presentence Report/SOR certified to USCA. <b>PLEASE NOTE THE FOLLOWING:</b> Licensed attorneys must have filed an appearance in the USCA5 case and be registered for electronic filing in the USCA5 to access the paginated eROA in the USCA5 ECF system. (Take these steps immediately if you have not already done so. Once you have filed the notice of appearance and/or USCA5 ECF registration, it may take up to 3 business days for the circuit to notify the district clerk that we may grant you access to the eROA in the USCA5 ECF system.) To access the paginated record, log in to the USCA5 ECF system, and under the Utilities menu, select Electronic Record on Appeal. Pro se litigants may request a copy of the record by <u>contacting the appeals deputy</u> in advance to arrange delivery. (ajb) (Entered: 07/07/2021)
02/25/2022	<u>221</u>	Opinion of USCA in accordance with USCA judgment re <u>218</u> Notice of Appeal filed by Jeffrey Ndungi Sila. The judgment of the District Court is AFFIRMED. (ajb) (Entered: 02/25/2022)
02/25/2022	<u>222</u>	JUDGMENT of USCA as to <u>218</u> Notice of Appeal filed by Jeffrey Ndungi Sila. The judgment of the District Court is AFFIRMED. Pursuant to LR 79.2 and LCrR 55.2, exhibits may be claimed during the 60–day period following final disposition (to do so, follow the procedures found at <u>Exhibit Guide</u> ). The clerk will discard exhibits that remain unclaimed after the 60–day period without additional notice. (Clerk to notice any party not electronically noticed.) (ajb) (Entered: 02/25/2022)
02/25/2022		Exhibits offered by USA as to Jeffrey Ndungi Sila returned to the USAO. Defendant's exhibits remain in clerk custody. Offering party reminded of <u>Attorney</u>



		<u>Guide to Claiming Exhibits.</u> (chmb) (Entered: 02/25/2022)
03/01/2022	<u>223</u>	MOTION to Reduce Sentence filed by Jeffrey Ndungi Sila. (axm) (Entered: 03/02/2022)
03/16/2022	<u>224</u>	MEMORANDUM OPINION AND ORDER as to Jeffrey Ndungi Sila: <u>223</u> MOTION to Reduce Sentence filed by Jeffrey Ndungi Sila is Denied without Prejudice. (Ordered by Judge Jane J Boyle on 3/16/2022) (svc) (Entered: 03/16/2022)
03/16/2022		***Clerk's Notice of Mailing: (see NEF) Docket No:224. Wed Mar 16 12:18:57 CDT 2022 (crt) (Entered: 03/16/2022)
03/17/2022	<u>225</u>	ORDER of USCA as to Jeffrey Ndungi Sila re <u>218</u> Notice of Appeal: The Appellant's motion for leave to file petition for rehearing out of time is DENIED. (ajb) (Entered: 03/17/2022)
04/04/2022	<u>226</u>	MOTION to Appoint Counsel filed by Jeffrey Ndungi Sila. (mjr) (Entered: 04/04/2022)
04/05/2022	<u>227</u>	ELECTRONIC Order Referring Motion as to Jeffrey Ndungi Sila: Defendant's <u>226</u> MOTION to Appoint Counsel is referred to Magistrate Judge Irma Carrillo Ramirez for determination. (Ordered by Judge Jane J Boyle on 4/5/2022) (chmb) (Entered: 04/05/2022)
04/06/2022	<u>228</u>	ORDER Re: <u>226</u> Motion to Appoint Counsel as to Jeffrey Ndungi Sila (1): Defendant "requests counsel to assist him in further appellate proceedings in this matter to include petitioning for certiorari in the United States Supreme Court." He does not specify the appellate proceedings for which he seeks counsel. Any request for the appointment of counsel in connection with his compassionate release motion is DENIED. Accordingly, the District Clerks Office is hereby DIRECTED to forward or transfer the request for appointment of counsel on appeal to the Fifth Circuit. (Fifth Circuit electronically notified.) (Ordered by Magistrate Judge Irma Carrillo Ramirez on 4/6/2022) (jmg) Modified on 4/6/2022 (jmg). (Entered: 04/06/2022)
06/07/2022	<u>229</u>	Received letter from USCA5: SUPREME COURT ORDER received denying petition for writ of certiorari (svc) (Entered: 06/08/2022)
06/21/2022	<u>230</u>	MOTION to Vacate under 28 U.S.C. 2255 (see civil case for all future related filings) filed by Jeffrey Ndungi Sila. (ndt) Civil case 3:22-cv-01340-B opened. (Entered: 06/21/2022)
02/18/2023	<u>231</u>	REPLY filed by Jeffrey Ndungi Sila re: <u>230</u> MOTION to Vacate under 28 U.S.C. 2255 (see civil case for all future related filings) (Newton, Brent) (Entered: 02/18/2023)
03/16/2023	<u>232</u>	MOTION for Refund of Part of Special Assessment Fees and Restitution filed by Jeffrey Ndungi Sila. (axm) (Entered: 03/17/2023)
03/18/2023	<u>233</u>	Notice of Substitution of Counsel on behalf Assistant US Attorney. Attorney Fabio Leonardi-DOJ added in case as to Jeffrey Ndungi Sila. (Clerk to set designation as: Assistant US Attorney.) (If sealed documents that you are authorized to see were previously filed by U.S. Pretrial Services or U.S. Probation, you will require assistance to gain access to them and any related filings. Please call the clerk at 214.753.2240 during business hours to request access.) (Leonardi-DOJ, Fabio) (Entered: 03/18/2023)


03/18/2023	<u>234</u>	Notice of Substitution of Counsel on behalf Assistant US Attorney. in case as to Jeffrey Ndungi Sila. (Clerk to set designation as: Assistant US Attorney.) (If sealed documents that you are authorized to see were previously filed by U.S. Pretrial Services or U.S. Probation, you will require assistance to gain access to them and any related filings. Please call the clerk at 214.753.2240 during business hours to request access.) (Leonardi-DOJ, Fabio) (Entered: 03/18/2023)
03/21/2023	235	ELECTRONIC ORDER as to Jeffrey Ndungi Sila: The government is ordered to file a response to Jeffrey Ndungi Sila's <u>232</u> Motion for Refund of Part of Special Assessment Fees and Restitution on or before 3/30/2023. (Ordered by Judge Jane J Boyle on 3/21/2023) (chmb) (Entered: 03/21/2023)
03/30/2023	<u>236</u>	RESPONSE by USA as to Jeffrey Ndungi Sila re: <u>232</u> MOTION for Refund of Part of Special Assessment Fees and Restitution (Leonardi-DOJ, Fabio) (Entered: 03/30/2023)
04/04/2023	<u>237</u>	ORDER re: <u>232</u> Motion Refund of Part of Special Assessment Fees and Restitution as to Jeffrey Ndungi Sila (1). The Court finds that Sila should be refunded. (Ordered by Judge Jane J Boyle on 4/4/2023) (ndt) (Entered: 04/05/2023)
05/16/2023	<u>238</u>	ORDER TRANSFERRING PROBATION/SUPERVISED RELEASE JURISDICTION as to Jeffrey Ndungi Sila pursuant to 18 USC 3605 with the records of this court TO the US District Court for the District of Kansas FROM the Northern District of Texas upon order accepting jurisdiction. (Ordered by Judge Jane J Boyle on 4/26/2023) (ykp) (Entered: 05/16/2023)



ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

FILED  
APR - 4 2017

CLERK, U.S. DISTRICT COURT  
By Deputy 

UNITED STATES OF AMERICA

NO. 3:16-CR-448-B

v.

(Supersedes Superseding Indictment  
returned November 1, 2016)

JEFFREY NDUNGI SILA

SECOND SUPERSEDING INDICTMENT

The Grand Jury charges:

Count One  
Theft of Public Funds  
(Violation of 18 U.S.C. §§ 641 and 2)

On or about August 9, 2016, in the Dallas Division of the Northern District of Texas, the defendant, **Jeffrey Ndungi Sila**, aided and abetted by others, both known and unknown to the Grand Jury, did willfully and knowingly steal, purloin, and convert to his use, money and property of the United States of a value exceeding \$1,000, to wit, a United States Treasury check payable to C.S. in the amount of \$76,592.86.

In violation of 18 U.S.C. §§ 641 and 2.

Count Two

Aggravated Identity Theft and Aiding and Abetting  
(Violation of 18 U.S.C. §§ 1028A and 2)

On or about August 9, 2016, in the Northern District of Texas, defendant, **Jeffrey Ndungi Sila**, aided and abetted by persons known and unknown to the Grand Jury, did knowingly transfer, possess, and use without lawful authority, the means of identification of another person, that is, the name, date of birth, and social security number belonging to C.S., during and in relation to the offense of Theft of Public Funds in violation of Title 18, United States Code, Section 641, as alleged in Count One of this Superseding Indictment, knowing that the means of identification belonged to another actual person.

In violation of 18 U.S.C. §§ 1028A and 2.

Count Three  
Theft of Public Funds  
(Violation of 18 U.S.C. §§ 641 and 2)

On or about April 4, 2012, in the Dallas Division of the Northern District of Texas, the defendant, **Jeffrey Ndungi Sila**, aided and abetted by others, both known and unknown to the Grand Jury, did willfully and knowingly steal, purloin, and convert to his use, money and property of the United States of a value exceeding \$1,000, to wit, a United States Treasury refund payable to D.E. in the amount of \$9,443.00.

In violation of 18 U.S.C. §§ 641 and 2.

Forfeiture Notice


[18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 982(a)(2)(A), and 28 U.S.C. § 2461(c)]

Upon conviction for the offense alleged in Count One of this Indictment and pursuant to 18 U.S.C. § 981(a)(1)(C) in conjunction with 28 U.S.C. § 2461(c) or 18 U.S.C. § 982(a)(2)(A), the defendant, **Jeffrey Ndungi Sila**, shall forfeit to the United States of America all property constituting or derived from proceeds traceable to the respective offense and all property constituting or derived from proceeds obtained directly or indirectly as a result of the offense, including a "money judgment" in the amount of at least \$48,000.

A TRUE BILL

  
FOREPERSON

JOHN R. PARKER  
UNITED STATES ATTORNEY

  
CHRISTOPHER STOKES  
Assistant United States Attorney  
Texas Bar No. 19267600  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Telephone: 214.659.8600  
christopher.stokes@usdoj.gov

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

---

THE UNITED STATES OF AMERICA

v.

JEFFREY NDUNGI SILA

---

SECOND SUPERSEDING INDICTMENT

18 U.S.C. §§ 641 and 2  
Theft of Public Funds

18 U.S.C. §§ 1028A and 2  
Aggravated Identity Theft and Aiding and Abetting

18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 982(a)(2)(A) and 28 U.S.C. § 2461(c)  
Forfeiture Notice

3 Counts

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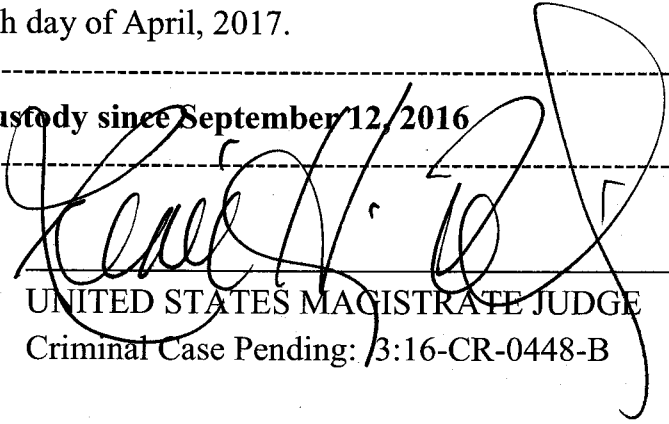
A true bill rendered

DALLAS

  
FORERERSON

Filed in open court this 4th day of April, 2017.

Defendant in Federal Custody since September 12, 2016

  
UNITED STATES MAGISTRATE JUDGE  
Criminal Case Pending: 3:16-CR-0448-B

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

JEFFREY NDUNGI SILA

Case Number: **3:16-CR-00448-B(1)**

USM Number: **74051-112**

Defendant's Attorney

**THE DEFENDANT:**

<input type="checkbox"/>	pleaded guilty to count(s)	
<input type="checkbox"/>	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	
<input type="checkbox"/>	pleaded nolo contendere to count(s) which was accepted by the court	
<input checked="" type="checkbox"/>	was found guilty on count(s) after a plea of not guilty	<b>Counts 1, 2, and 3 of the three-count second superseding Indictment filed April 4, 2017</b>

The defendant is adjudicated guilty of these offenses:

**Title & Section / Nature of Offense**

**Offense Ended**

**Count**

18 U.S.C. §§ 641 & 2 Theft of Public Funds and Aiding and Abetting  
18 U.S.C. §§ 1028A & 2 Aggravated Identity Theft and Aiding and Abetting  
18 U.S.C. §§ 641 & 2 Theft of Public Funds and Aiding and Abetting

08/09/2016  
08/09/2016  
08/04/2012

1  
2  
3

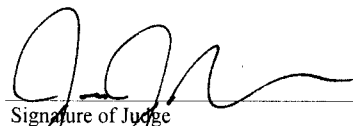
The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s)
- ☒ The original indictment filed October 4, 2016, and the superseding Indictment filed November 1, 2016, ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

**September 20, 2018**

Date of Imposition of Judgment



Signature of Judge

**JANE J. BOYLE, UNITED STATES DISTRICT JUDGE**

Name and Title of Judge

**September 21, 2018**

Date

DEFENDANT: JEFFREY NDUNGI SILA  
CASE NUMBER: 3:16-CR-00448-B(1)

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

**97 months.** This term consists of 73 months on each of Counts 1 and 3, to run concurrently with each other, and 24 months on Count 2, to run consecutive to all other counts, for a total aggregate sentence of 97 months.

☒ The court makes the following recommendations to the Bureau of Prisons:  
that the defendant be allowed to serve his sentence at FMC Fort Worth, Fort Worth, Texas, if eligible.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ☐ a.m. ☐ p.m. on

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to

at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By  
DEPUTY UNITED STATES MARSHAL



DEFENDANT: JEFFREY NDUNGI SILA  
CASE NUMBER: 3:16-CR-00448-B(1)

## **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of : **two (2) years on each of Counts 1 and 3 and one (1) year on Count 2, with all terms to run concurrently.**

## **MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - ☒ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

DEFENDANT: JEFFREY NDUNGI SILA  
CASE NUMBER: 3:16-CR-00448-B(1)

## STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand additional information regarding these conditions is available at [www.txnp.uscourts.gov](http://www.txnp.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

DEFENDANT: JEFFREY NDUNGI SILA  
CASE NUMBER: 3:16-CR-00448-B(1)

### **SPECIAL CONDITIONS OF SUPERVISION**

Pursuant to the Mandatory Victims Restitution Act of 1996, the defendant is ordered to pay restitution in the amount of \$9,443, payable to the U.S. District Clerk, 1100 Commerce Street, Room 1452, Dallas, Texas 75242. Restitution shall be payable immediately and shall be disbursed to:

Internal Revenue Service  
\$9,443

If upon commencement of the term of supervised release any part of the restitution remains unpaid, the defendant shall make payments on such unpaid balance in monthly installments of not less than 10 percent of the defendant's gross monthly income, or at a rate of not less than \$50 per month, whichever is greater. Payment shall begin no later than 60 days after the defendant's release from confinement and shall continue each month thereafter until the balance is paid in full. In addition, at least 50 percent of the receipts received from gifts, tax returns, inheritances, bonuses, lawsuit awards, and any other receipt of money shall be paid toward the unpaid balance within 15 days of receipt. This payment plan shall not affect the ability of the United States to immediately collect payment in full through garnishment, the Treasury Offset Program, the Inmate Financial Responsibility Program, the Federal Debt Collection Procedures Act of 1990 or any other means available under federal or state law. Furthermore, it is ordered that interest on the unpaid balance is waived pursuant to 18 U.S.C. § 3612(f)(3).

As a condition of supervised release, upon the completion of the sentence of imprisonment, the defendant shall be surrendered to a duly-authorized immigration official for deportation in accordance with the established procedures provided by the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq. As a further condition of supervised release, if ordered deported or removed, the defendant shall remain outside the United States.

In the event the defendant is not deported upon release from imprisonment, the defendant shall comply with the standard conditions contained in this Judgment and shall comply with the mandatory and special conditions stated herein.

The defendant shall provide to the probation officer any requested financial information.

The defendant shall pay any remaining balance of restitution in the amount of \$9,443, as set out in this Judgment.

DEFENDANT: JEFFREY NDUNGI SILA  
CASE NUMBER: 3:16-CR-00448-B(1)

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$300.00	\$ .00	\$ .00	\$9,443.00

- ☐ The determination of restitution is deferred until after such determination. An Amended Judgment in a Criminal Case (AO245C) will be entered
- ☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Restitution of \$9,443.00 to:

IRS - RACS

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- |  |                               |  |
|--|-------------------------------|--|
| <input checked="" type="checkbox"/> the interest requirement is waived for the | <input type="checkbox"/> fine | <input checked="" type="checkbox"/> restitution              |
| <input type="checkbox"/> the interest requirement for the                      | <input type="checkbox"/> fine | <input type="checkbox"/> restitution is modified as follows: |

\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22

\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JEFFREY NDUNGI SILA  
CASE NUMBER: 3:16-CR-00448-B(1)

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payments of \$ 9,443 due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☒ in accordance ☐ C, ☒ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☒ Payment in equal monthly (e.g., weekly, monthly, quarterly) installments of not less than 10 percent of the defendant's gross monthly income, or at a rate of not less than \$50 per month, whichever is greater, until the balance is paid in full, to commence 60 days (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:  
**It is ordered that the Defendant shall pay to the United States a special assessment of \$300.00 for Counts 1, 2 and 3, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several  
See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- ☐ Defendant shall receive credit on his restitution obligation for recovery from other defendants who contributed to the same loss that gave rise to defendant's restitution obligation.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

UNITED STATES OF AMERICA

**JUDGMENT ON RESENTENCING IN A  
CRIMINAL CASE**

v.

**JEFFREY NDUNGI SILA**

Case Number: **3:16-CR-00448-B(1)**

USM Number: **74051-112**

**Dimitri Dube**

Defendant's Attorney

**THE DEFENDANT:**

<input type="checkbox"/>	pleaded guilty to count(s)	
<input type="checkbox"/>	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	
<input type="checkbox"/>	pleaded nolo contendere to count(s) which was accepted by the court	
<input checked="" type="checkbox"/>	was found guilty on count(s) after a plea of not guilty	<b>Counts 1 and 2 of the three-count Second Superseding Indictment filed April 4, 2017</b>

The defendant is adjudicated guilty of these offenses:

**Title & Section / Nature of Offense**

**Offense Ended**

**Count**

18 U.S.C. §§ 641 & 2 Theft of Public Funds and Aiding and Abetting  
18 U.S.C. §§ 1028A & 2 Aggravated Identity Theft and Aiding and Abetting

08/09/2016  
08/09/2016

1  
2

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☒ Defendant's conviction on Count 3 vacated by the Fifth Circuit Court of Appeals on November 12, 2020.  
☐ Count(s) ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

**March 18, 2021**

Date of Imposition of Judgment



Signature of Judge

**JANE J. BOYLE, UNITED STATES DISTRICT JUDGE**

Name and Title of Judge

**March 24, 2021**

Date

DEFENDANT: JEFFREY NDUNGI SILA  
CASE NUMBER: 3:16-CR-00448-B(1)

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

87 MONTHS. This term consists of 63 months on Count 1 and 24 months on Count 2, to run consecutively, for a total aggregate sentence of 87 months.

☒ The court makes the following recommendations to the Bureau of Prisons:  
That the defendant be allowed to serve his sentence at FCI Seagoville, if eligible.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ☐ a.m. ☐ p.m. on

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to

at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JEFFREY NDUNGI SILA  
CASE NUMBER: 3:16-CR-00448-B(1)

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : **one (1) year per count, to run concurrently.**

## MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - ☒ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.



DEFENDANT: JEFFREY NDUNGI SILA  
CASE NUMBER: 3:16-CR-00448-B(1)

## STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

## U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand additional information regarding these conditions is available at [www.txnp.uscourts.gov](http://www.txnp.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

DEFENDANT: JEFFREY NDUNGI SILA  
CASE NUMBER: 3:16-CR-00448-B(1)

### **SPECIAL CONDITIONS OF SUPERVISION**

As a condition of supervised release, upon the completion of the sentence of imprisonment, the defendant shall be surrendered to a duly-authorized immigration official for deportation in accordance with the established procedures provided by the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq. As a further condition of supervised release, if ordered deported or removed, the defendant shall remain outside the United States.

The defendant shall provide to the probation officer any requested financial information.



DEFENDANT: JEFFREY NDUNGI SILA  
CASE NUMBER: 3:16-CR-00448-B(1)

## CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments page.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
<b>TOTALS</b>	\$200.00	\$0.00	\$0.00	\$0.00	\$0.00

- ☐ The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Restitution of \$9,443.00 to:

IRS - RACS

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments page may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- |   |                               |  |
|---|-------------------------------|--|
| <input type="checkbox"/> the interest requirement is waived for the | <input type="checkbox"/> fine | <input type="checkbox"/> restitution                         |
| <input type="checkbox"/> the interest requirement for the           | <input type="checkbox"/> fine | <input type="checkbox"/> restitution is modified as follows: |

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JEFFREY NDUNGI SILA  
CASE NUMBER: 3:16-CR-00448-B(1)

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:


- A** ☐ Lump sum payments of \$ \_\_\_\_\_ due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ Special instructions regarding the payment of criminal monetary penalties:  
**It is ordered that the Defendant shall pay to the United States a special assessment of \$200.00 for Counts 1 and 2, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several  
See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

<b>Transfer of Jurisdiction</b>		Case Number (Trans. Court) 3:16-CR-00448-B(1)
		Case Number (Rec. Court)
Name Of Probationer/Supervised Releasee <b>Jeffrey Ndungi Sila</b>	District Northern District of Texas	Division Dallas
	Name of Sentencing Judge The Honorable Jane J. Boyle	
	Dates Of Probation/ Supervised Release	From November 15, 2022
Offense Theft of Public Funds and Aiding and Abetting, in violation of 18 U.S.C. §§ 641 & 2 Aggravated Identity Theft and Aiding and Abetting, in violation of 18 U.S.C. §§ 1028A & 2 Theft of Public Funds and Aiding and Abetting, in violation of 18 U.S.C. §§ 641 & 2		
<b>PART 1 - ORDER TRANSFERRING JURISDICTION</b>		
U.S. District Court For The <b>Northern District of Texas</b>		
<p>IT IS HEREBY ORDERED that pursuant to 18 USC § 3605, the jurisdiction of the probationer or supervised releasee named above be transferred with the records of this Court to the U.S. District Court for the District of Kansas, upon that Court's order of acceptance of jurisdiction.</p> <p>This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"><div><u>April 26, 2023</u> Date</div><div style="text-align: center;"> _____ U.S. District Judge</div></div> <p>*This sentence may be deleted in the discretion of the transferring Court.</p>		
<b>PART 2 - ORDER ACCEPTING JURISDICTION</b>		
U.S. District Court For The <b>District of Kansas</b>		
<p>IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"><div><u>05/12/2023</u> Effective Date</div><div style="text-align: center;"><u>s/ Daniel D. Crabtree</u> _____ U.S. District Judge</div></div>		